

JOURNAL
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House of Representatives
OF THE
REGULAR SESSION
OF THE
FORTIETH LEGISLATURE
BEGUN AND HELD AT
THE CITY OF AUSTIN, JANUARY 11, 1927




VON BOECKMANN-JONES CO.,
AUSTIN, TEXAS

PROCEEDINGS

OF

Investigating Committee of the House of
Representatives Regarding Bribery
Charges Against Messrs. F. A.
Dale and H. H. Moore,
Members of the House
of Representatives.

Friday, February 4, and Saturday,
February 5, 1927.

Investigating Committee:

Judge E. R. Sinks, Chairman;
Representatives: W. S. Barron, Ray
Holder, A. P. C. Petsch, W. M. Fly,
John H. Veatch, A. R. Stout, J. A. Raw-
lins, Fred H. Minor.

Appearances of Counsel:

Hon. D. A. Simmons and Hon. Gallo-
way Calhoun, Assistants Attorney Gen-
eral, for the Committee.

Hon. T. H. McGregor, Hon. A. L. Love,
and Hon. John E. Shelton, for the Re-
spondents.

Hon. Clifford Stone for W. W. Cham-
berlin.

Senator McGregor: Before proceed-
ing,—in stating the representatives of
these gentlemen this morning, I stated
that Mr. Cecil Storey and Mr. W. T.
Williams would assist in representing
them. Being members of the House,
they have decided that it would be bet-
ter and more proper for them to with-
draw.

The Chairman: Now, I want to say
to the audience here, gentlemen, and
ladies, too, that we have to have com-
plete order here. We are going to have
an open meeting, so that everybody that
can hear may hear, but we must not
have talking going on between you
and, of course, if the visitors here insist
on doing that so that they retard the
meeting that we are having here, we
will have to have a resolution passed
that they not be allowed inside. Now,
all of the members of the Legislature
are, of course, here inside of the room.
First comes the committee. We have to
hear the testimony. And then all of
the members that can hear may hear,
and we all want though that we have
complete order in the court room, be-
cause we cannot have any conduct of
business unless we do have order.

All right; if you are ready, proceed.

Mr. Calhoun: Mr. Chairman, we
move that all witnesses of both sides
to be presented at this hearing be called
and sworn at this time—

The Chairman: And placed under the
rule?

Mr. Calhoun: Yes, sir; we will re-
quest the rule.

Mr. Shelton: It would be utterly im-
possible for the defendants at this time
to know just what witnesses they would
care to offer, until at least some por-
tion of the testimony has been offered
by the opposition.

The Chairman: Well, if the rule
should be called for, why, such witnesses
as are not here, why, they could be put
under the rule after they get here.

Mr. Shelton: They may be here. Of
course, the committee understands this,
that with the limited time we have had
for preparation for trial, it is utterly
impossible for us to know,—and espe-
cially without knowing something about
the character of the testimony to be of-
fered.

The Chairman: Did you suggest the
rule?

Mr. Simmons: We would like to have
them sworn, Mr. Chairman, and if there
is going to be any controversy of the
testimony, we would like to ask for the
rule.

Mr. Shelton: Well, of course, I
judge there will be some controversy
as to the facts, but as to whom we will
offer to controvert those facts, until we
have heard the testimony, why, we can
not know, because we have no idea of
the scope that the investigation will
take, or the testimony that will be of-
fered. We have not had the opportunity
or the time, and even now to know, and
I will say this to counsel of the oppo-
sition, that we will endeavor, just as
far as we can to follow the rule as if
our witnesses were under the rule. I
don't know myself who our witnesses
will be, nor neither does Senator Mc-
Gregor.

Mr. Simmons: I might say that if
they don't know what the charges are,
they are the only ones in the room that
do not; but the same course of argument
would apply in the trial of a criminal
case. The defendant knows the general
nature of the charge when the hearing
starts, and he has not heard the testi-
mony of the witnesses, but if that is
the way they feel about it, we will waive

the rule for the time being, and proceed to call our witnesses.

The Chairman: For the time being. All right.

Mr. Simmons: Call Mr. Chamberlin—W. W. Chamberlin. While the witnesses are coming, Mr. Chairman, we would like to offer page 330 of the House Journal, the resolution adopted by the House, calling this investigation, in order that it may be in the record of this proceeding.

The Chairman: All right, gentlemen. It is in the record.

The resolution referred to is in words and figures as follows, to-wit:

Providing For a Committee to Investigate Bribery Charges.

Mr. Sinks offered the following resolution:

"Whereas, Complaints have been filed in justice court, precinct No. 1, of Travis county, Texas, charging that F. A. Dale and H. H. Moore, members of the House of Representatives of the Fortieth Legislature of Texas, have violated the law of the State of Texas by accepting a bribe, and which charge, if true, also constitutes a gross violation of the rules of the House of Representatives and the propriety of its members; and

"Whereas, Said complaints were filed by Captain Tom Hickman and Captain Frank Hamer, of the Ranger force of Texas, whose standing and reputation as peace officers is such as to command the respect and consideration of the members of the Legislature and the people of Texas; and

"Whereas, The House of Representatives desires to and must maintain its honor and integrity, as well as the interest and welfare of the people of Texas; and

"Whereas, A full, fair and complete investigation should be made by the House of Representatives relating to said charges, to the end that the facts and truth may be known, and proper action taken with respect thereto; therefore, be it

"Resolved by the House of Representatives:

"Section 1. That a committee of nine members of the House of Representatives be appointed by the Speaker from its members, whose duty it shall be to conduct a prompt and full investigation of the charges so made against the said

F. A. Dale and H. H. Moore, and report its findings at the earliest practicable time to the House of Representatives, together with its recommendations in connection therewith.

"Sec. 2. That said committee shall have power to formulate its own rules of procedure and evidence, and provide for its own hours of meeting and adjournment.

"Sec. 3. That the said committee shall have power to issue process for witnesses to any place in this State, and to compel their attendance, and the production of books and records; that upon the disobedience of any subpoena, said committee shall have power to issue attachments which may be addressed to and served by either the Sergeant-at-Arms, appointed by said committee, or any sheriff or constable of this State.

"Sec. 4. That witnesses attending the session of said committee, under process shall be allowed the same mileage and per diem as is allowed witnesses in the trial of criminal cases in the district court.

"Sec. 5. That said committee shall have power and authority to employ and compensate all necessary investigators, attorneys, stenographers, and all other necessary employees, and it shall be the duty of said committee to make and keep a record of its findings.

"Sec. 6. That all necessary expense incident to such investigation shall be paid out of the appropriation for mileage and per diem and contingent expense of the Fortieth Legislature, upon the sworn account of persons entitled to such pay, when approved by the chairman of said committee.

"Signed—Sinks, Fly, Veatch, Teer, Shaver, Montgomery, Rawlins, Petsch.

"The resolution was read second time and was adopted."

Mr. Simmons: We would likewise at this time like to offer proposed House bill No. 270, which is now, I understand, before the committee on Revenue and Taxation.

The Chairman: Read the bill.

Mr. Simmons (reading): H. B. No. 270. By Request, H. H. Moore. A bill to be entitled, "An Act to amend Article 7047, Section 3 of the Revised Statutes of the State of Texas for 1925, as enacted by the Thirtieth Legislature, Act of 1907, page 57, by inserting that an annual occupation tax of \$50 shall be levied on and collected from every op-

tometrists whether itinerant or stationary, and repealing all laws in conflict herewith."

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 7047, Section 3, Chapter 11, Title 12, of the Revised Civil Statutes of the State of Texas for 1925, as enacted by the Thirtieth Legislature, Acts of 1907, page 57, be and the same is hereby amended so as to hereafter read as follows:

"3. Itinerant physicians, etc. From every itinerant physician, surgeon, oculist or medical or other specialist of any kind, traveling from place to place in the practice of his profession except dentists practicing from place to place in the county of their residence, and from every optometrist, whether itinerant or stationary, an annual tax of fifty dollars."

Sec. 2. That all laws and parts of laws in conflict herewith, be and the same are hereby expressly repealed.

Endorsed on back: H. B. No. 270, by request, H. H. Moore. A bill — Read first time and referred to Committee on Revenue and Taxation.

Senator McGregor: What is the date?

Mr. Simmons: No date appears.

Mr. Petsch: You will have to get that information from the Calendar Clerk later on.

Mr. Simmons: We will call for that from the Calendar Clerk as soon as we can get it. Mr. Chairman, if you will swear Mr. Chamberlin.

The Chairman: Be sworn, Mr. Chamberlin.

W. W. Chamberlin, called as a witness, and being duly sworn by the chairman, testified in answer to questions propounded, as follows:

Mr. Stone: Mr. Chairman, and Gentlemen of the Committee: I am here as counsel for W. W. Chamberlin, the witness, and as such counsel I now tender him to this committee for any and all purposes, without any reservations, whatsoever.

The Chairman: All right.

Direct Examination.

Questions by Mr. Simmons.

Q. What is your name?

A. W. W. Chamberlin—Willis West Chamberlin, to be more specific.

Q. Where do you live, Mr. Chamberlin?

A. Houston, Texas.

Q. What is your business?

A. I am in the optical business.

Q. How long have you been in that business?

A. Well, in Houston I have been in one block in that business for the past thirty-two years.

Q. Are you a member of any association of optometrists of Texas?

A. Yes, sir. I am a member of the Texas State Optometric Association.

Q. Do you hold any position in that association as an officer?

A. I am Legislative Chairman, look after them in any legislative matters that may come up pertaining to optometry, that may affect them in any way.

Q. You are acting in that capacity at this session?

A. Yes, sir.

Q. When did you come to Austin for the first time this session, Mr. Chamberlin?

A. I think it was about a week after the session opened,—I think perhaps about two days or three days,—something like that, before the inaugural; I didn't come up when it first opened, I was very busy with other matters.

Q. Were you or your association interested in any legislation that you were proposing?

A. No, sir; none that was proposed.

Q. Were you interested in any legislation pending here?

A. Well, there wasn't any pending at that particular,—when I first came up,—I don't think it was pending when I first came up,—I am quite sure it was not at that time.

I don't think it was pending when I first came up. I am quite sure it was not at that time, if it was I had not at that time become conversant with it. I came up here to look over the situation, to find if anything was happening,—in other words, I came up to look around, feel around, and find out if there is going to be anything brought up that might be in any way inimical to our interests.

Q. Did you ascertain whether or not any bills were introduced during the,—were sought to be introduced—

A. I did.

Q. —affecting your profession?

A. I did.

Q. What bills, Mr. Chamberlin?

A. Well, the first day I came here I saw several parties milling around, who had always been here with some bee in their bonnet, as a general rule that was inimical to my interests, and I figured there was a bee there that would bear looking after and watching, and within the next two or three days after that, this House bill appeared, and I was advised the next morning,—I was back and forth, I was here a day and home a day,—in other words, I had some interests at home that had to be taken care of at the same time,—there wasn't enough to keep me here all the time,—and I was advised the next day after this bill was introduced that it had been up.

Q. What is the nature of your business in Houston?

A. I am in the optical business. I am an optometrist.

Q. You have a store there?

A. Yes, sir.

Q. What is the address and location there?

A. It is the Houston Optical Company, 503 Main Street.

Q. And you say you have been there thirty-two years?

A. Yes, sir.

Q. When you heard that a bill had been introduced affecting the practice of optometry, what, if anything, did you do?

A. Well, I didn't do anything immediately, but within a reasonable length of time after that,—I think I was at home when I first heard about it,—I am not sure whether I was here or at home, I think I was here though,—my wife was up here a few days with me, and I don't know whether I went over to San Antonio that day with her or not.

Q. How long ago was it, approximately?

A. That was week before last.

Q. All right. What did you do, if anything, about the bill?

A. Well, I found out when they were supposed to have a hearing.

Q. When was that?

A. Within a day or two after that.

Q. Do you recall the date, approximately?

A. Well, I think that was,—let me see,—I think that was about a week ago,—Tuesday or Wednesday, or Thursday,—somewhere along there.

Q. In the early part of a week ago?

A. Yes, sir.

Q. And you heard they were going

to have a hearing on the bill at that time?

A. Well, I understood there was to be a hearing the following morning. When I got in touch,—I think I got in touch with the chairman of the committee—

Q. Who is chairman of the committee?

A. Mr. Dewey Young.

Q. Did you see him?

A. I saw him, and—I saw the committee before the hearing was—let's see: I saw him, yes, sir; and talked with him,—he was very busy that afternoon, but and the hearing was supposed to come off the next morning after that at 9 o'clock, and I made an appointment with him to see him at 8 o'clock to discuss the bill to some extent, and I went to,—and I went to see the man who introduced the bill.

Q. All right, who was that?

A. That was H. H. Moore. I noticed that the bill was introduced by H. H. Moore.

Q. Have you known Mr. Moore before that time?

A. No, sir; I had not.

Q. Well, where did you see Mr. Moore?

A. Over at his desk.

Q. In the House here?

A. Yes, sir; where he sits. That is, I presume he was where he sits. He was in the neighborhood of where they told me he sat. I had looked for him two or three days before that; in fact, I think it was last Sunday I was up here, and looked for him, but did not locate him then.

Q. Was this some day,—Tuesday or Wednesday of this last week?

A. Of last week, when I spoke to Mr. Moore?

Q. Yes, sir.

A. No, sir, when I spoke to Mr. Moore about that,—let's see what day it was. I think it was,—let me see now, let me see, now, how that was. Now, it was last week that I spoke to Mr. Moore.

Q. What time last week?

A. It was last week that I spoke to Mr. Moore and I told him,—introduced myself, and I told him who I was.

Q. All right. Just what you told him and what he said to you. Give it in detail.

A. Well, he listened to what I had to say a few minutes, and after talking for probably five or ten minutes—

Q. Well, just tell us what you told him.

A. I told him I wanted to find out,—I wanted to find—I noticed that he had introduced this bill by request, had introduced it by request,—I don't know whether he had requested him to introduce it, or whether he was fathering the bill as sponsor for it, or whether he had introduced it for some friend of his in the House, but I just wanted to find out any way. I told him what I thought about the bill,—about the merits and the demerits of it, and he chatted with me for some minutes, and he told me—

Q. What did he tell you during that five or ten minutes?

A. He told me that he had introduced that bill, and that if I would—if I would see another party to whom he would send me, that this party could perhaps help me out on the bill.

Q. What did he say about helping you out, if anything?

A. What did he say?

Q. Yes, sir.

A. Well, he didn't say very much about it at that time, did not manifest—he did not manifest much interest in me, and he more or less listened in a kind of a nonchalant way, the way I figured it, as not very much interested, and I just gathered from his conversation that he did not care very much about what my people might say—that may be surmise on my part.

Q. Can you remember anything that he said now that would give you that impression?

A. He,—I don't know that,—it was his general demeanor really and his general appearance and the way he acted from which I really gathered the strongest impression along that line.

Q. All right; how did he act?

A. Well, he acted in a way as not particularly interested except to a certain extent, but that after I talked to him about ten minutes, then he seemed to take more interest in it, and a greater desire to help me along,—that is, after the conversation had worked along pretty well, and he says, "Now, if you will go down and see a party to whom I am going to give you the address, he perhaps can, I think, help you out on this. You can take this matter up with him and he perhaps can help you out." And, he says, "If you will just wait a minute, I will give you his address, so you will know where to locate him." And he reached inside his desk and took out

his writing pad and pulled off a sheet from that and he marked the address,—marked it down, said "See Dale, Room 218, Texas Hotel." Now, he says, "Mr. Dale—"

Q. Just a minute,—is that the paper that Mr. Moore gave you? (Handing witness a paper.)

A. That is it, written in his own handwriting, sir.

Q. What is that on the back?

A. That is my initials.

Q. You initialled it on the back?

A. I did, sir.

Mr. Simmons: Mr. Chairman, we offer this in evidence.

Senator McGregor: Let me see it, please, sir. (Paper to counsel.)

Senator McGregor: We have no objection to it, except we challenge the verity of it. Of course, that would not exclude it.

The Chairman: All right. Introduce it in evidence. (The paper referred to was marked by the Reporter, Exhibit 3. J. W. D. and is as follows: "Room 218 Texan Hotel. See Dale. W. W. C.")

Q. Now, Mr. Chamberlin, after you received that memorandum, what did you do?

A. Well, when he gave me this memorandum, he says, "You will find Mr. Dale at his room this morning because he is indisposed, and will not be up, I don't think." He says, "You will find him there I think, most any time all morning." Well, I didn't go down to the hotel that morning, some other little matters came up and there wasn't any particular hurry and I had some other things to look after, but I did go down there that afternoon about two o'clock, or two-thirty, maybe some time after I finished my noon-day meal, but he was not there, but they informed me at the hotel that he was up here.

Mr. Shelton: Well, we certainly would raise an objection to what outside parties may have stated to him, who were at least not parties to this.

Mr. Simmons: All right; never mind.

Q. Then what did you do?

A. I came up here to find him here.

Q. Did you find him?

A. The Legislature was in session and I came to the door and asked to see him. I didn't know him by sight,—in fact, I had never met him,—and I asked the doorkeeper to call him to the door. He came out and I introduced myself, told him what my name was, that I had come up to see him,—that Mr. Moore had requested me,—had told

me to see him with reference to this bill. "Well," he says, "Mr. Chamberlin, I am very busy at the present time, the Legislature is in session." I said, "I don't want to interfere with you while you are busy, I just want to take it up with you when you are not." He said, "Well, suppose you take dinner with me this evening at seven o'clock at the Texan Hotel." I said, "That is perfectly all right, I will take dinner with you wherever you say." He says, "Well, you just come down and take dinner with me." I said, "You take dinner with me, because I don't want to take up anybody's time—"

Mr. Simmons: Never mind that. Just what you did.

A. How is that?

Q. Go ahead.

A. I didn't want them to go to any extra expense buying me any dinners when I am up here working in connection with the society which I represent, and they are perfectly willing to and do pay my expenses and those of any of my friends that I may invite with me. And so the agreement was that I was to meet him at the Texan Hotel at seven o'clock to take dinner, which I did.

Q. All right. Did you see Mr. Moore any more that day?

A. Let me see; I think,—I don't believe,—I don't think I saw Mr. Moore any more that day.

Q. Well, where did you see Mr. Dale?

A. Met him at the Texan Hotel.

Q. What time?

A. About seven o'clock, or somewhere in that neighborhood.

Q. What did you talk about?

A. Well, we went in to eat our dinner, and after we ordered dinner, we talked along about one or two things, as you usually do leading up,—preliminaries you know, and then I finally brought up this bill that was up and commenced to talk about that bill.

Q. What bill?

A. The House bill No. 270, affecting optometrists, which would mean if the bill passed there would be an occupation tax imposed of fifty dollars on every optometrist in Texas, regardless of whether he was an itinerant or had a place of business, and he says, "Well now, I will tell you, this bill comes up tomorrow morning at nine o'clock for a hearing, and it is all arranged to fix it so it will be reported out favorably, and as soon as it is reported out, the parties who are interested in having it reported out favorably, are to pay seven

hundred and fifty dollars for having it reported out favorably." I says, "Well, that is pretty dog-goned tough"; I says, "That don't sound good to me, I can't figure out anything of that kind, it is just a little bit beyond my conception." He says, "Well, I will tell you, to be candid with you, you know I practice law in the Texas Legislature exactly the same way that I practice law at home." I says, "What can I do, or what can be done to offset this thing, I am in a bad fix?" "Well, I think if you can raise a thousand dollars that this bill can be reported out unfavorably in the morning instead of favorably."

Q. Can be reported out what, now?

A. "Can be reported out unfavorably" instead of "reported out favorably, as is the present program."

Q. Who was to pay the seven hundred and fifty dollars?

A. Well, I presume,—

Mr. Shelton: Never mind what he presumes.

Q. Did he tell you—while you were talking to Mr. Dale, did he tell you who was to pay the seven hundred and fifty dollars?

A. Well, he told me that those who were interested and had the bill presented to him were the ones that had promised to pay him that.

Q. Those who were interested in having the bill reported favorably?

A. Yes, sir.

Q. But that it could be reported unfavorably for one thousand dollars?

A. Provided I could raise a thousand dollars.

Q. All right. What did you say?

A. I told him a thousand dollars was a whole lot of money. He says, "You ought to have plenty of money, you have been sending out circulars, and you have made an assessment against all the optometrists for a certain amount, and I have read those; and you ought to have barrels of money, there ought not to be any trouble about you raising a thousand dollars, that ought to be very easy."

Q. Had you sent out letters?

A. Yes, sir.

Q. Asking for donations?

A. Yes, sir.

Q. How much?

A. Well, I had asked for various amounts. However, there was an assessment made that I had nothing to do with, that was made by officers of the association wherein they assessed each member of the association fifteen dollars. However, that assessment

would not be legal. You couldn't collect it.

Q. You mean they asked each member to donate fifteen dollars?

A. No; they made this assessment of fifteen dollars to each, and I think in connection with that letter,—I did not get up the letter, I don't remember just what the contents of the letter was.

Q. What letter was Mr. Dale talking about that he had seen?

A. I told you I wrote a letter to the president of the association.

Q. Who is he?

A. J. Howard Clark of Houston, Texas,—in which I stated to him, if they wanted me to represent them up here and take care of their interests, and I had to be here any length of time, it would cost me money while I was up here. And I have the letter, it speaks for itself, it is no secret. I haven't any objection to any member of the Legislature seeing it, or its contents.

Q. In other words, Mr. Dale said that he had seen it?

A. Yes, sir; he had seen it, and he said, "They have scattered it all over the house and have it so poisoned against you fellows, you haven't a chance, the way it stands now, they are completely poisoned on account of that letter you sent out." I said, "That is all right, it don't bother me, anyway." I told him this, "I haven't any thousand dollars,—that is beyond anything I have"; I said, "These letters were sent out, but the responses were not coming in; they were coming in dog-goned slow."

Q. Well, what was the result of your conversation?

A. The result was, why I didn't have the money, and I would have to have that thing postponed so as to give me more chance to get in touch with those collecting the money and see if I could raise a thousand dollars, and I was to see him later on then in reference to it. However, in the meantime, I had seen Mr. Young, before I had supper with him, and had made an appointment with him for 8 o'clock the following morning. At 8 o'clock the following morning, Mr. Terrell, R. A. Terrell, of Dallas,—Mr. Tom Ward, and myself came up to see Mr. Young.

Q. Who is Mr. Ward?

A. Mr. Ward is an optometrist of the Ward & Treadwell Optical Company, in Austin, Texas, across the street from the Austin Hotel. He is also secretary of the State association. Mr. Terrell is chairman of the Executive Commit-

tee, and I found him in town.

Q. The three of you came to see the chairman of the committee?

A. Yes, sir; next morning at 8 o'clock. The meeting was to be held at 9 o'clock.

Q. Wednesday a week ago, you say?

A. Yes, sir; that was Wednesday a week ago,—I think it was.

Q. What happened to the bill in the committee?

A. Well, we talked to Mr. Young, and we went into the merits and demerits of the bill with Mr. Young, in order to enlighten him as to what we knew about it and what we thought about it, so that he would get both sides,—that he had the other side. In other words, just told him just what we thought was fair and square, and we really thought that a bill of that kind, singling out optometrists for a fee of fifty dollars,—and which did not embody any other professional men, such as doctors, lawyers, or dentists, or other men of that character, we could not see where a bill of that kind could be righteous, or where a bill of that kind even had a reason to be born. And we also told him after we got through talking with him that if it could be later,—we requested that there be a delay and that the hearing be postponed, and he remarked that there were several other bills up that had been introduced before that that really had precedence over it,—I think he mentioned one bill, No. 90, and some others,—I didn't pay much attention to it,—and he said, "Why should that bill be brought up at that particular time unless it was the unanimous consent of the committee to consider this bill in preference to others?" Of course, we wanted some time,—we wanted it postponed until we could look into the affairs in general.

Q. Was it postponed?

A. How is that?

Q. Was it postponed?

A. Yes, sir; it was. He told me he would have to reset for the following Wednesday, and let me know later at what hour it would be held at that time, and if there was any change made from that program he would also notify us.

Q. Did you see Mr. Moore or Mr. Dale after that?

A. Not until this week.

Q. All right. That was Wednesday of last week. What did you do then?

A. I went back home.

Q. Went back to your home?

A. Yes, sir.

Q. And your work?

A. Back home to my work, and stayed there until—stayed there then until last Monday night. I left home last Monday night, and arrived here Tuesday morning.

Q. Tuesday of this week?

A. Yes, sir.

Q. What did you do Tuesday?

A. Well, I came up,—I came up here Tuesday, the Legislature was in session, and I called Mr. — — Let's see. —No, Tuesday — — I found out that the meeting was not to be held until Wednesday night at seven-thirty, and Tuesday I worked around more or less to find out, to get what information I could through sources that I was utilizing, and found out what had been going on while I was away. In other words, I don't try to do all my own work.

Q. Had you advised the president and secretary, Mr. Ward, and these other men you named, as to the status of this bill?

A. While I was at home,—what status do you mean?

Q. Mr. Ward and Mr. Terrell from Dallas, you stated, came to see Mr. Young with you?

A. Yes, sir.

Q. That was Wednesday of last week?

A. Yes, sir.

Q. Did you advise those gentlemen as to the status of this bill and the proposition you say had been made to you at that time?

A. Well, I don't do much talking along that line to the other boys.

Q. All right, did you advise them at that time?

A. No; I didn't tell them, I just,—I don't think I told them about this proposition. I may have, and I may not have. As a rule, I don't say much about those things to them. When I went home, however, and I saw Mr. Ward,—I think perhaps I may have advised them that there was something about that that did not look right to me, and I think I did,—in fact, I am sure I did.

Q. You went back to Houston?

A. Yes, sir.

Q. You saw Mr. J. Howard Clark of Houston, who is the president of the association?

A. Yes, sir.

Q. Did you confer with Mr. Clark about this?

A. Yes, sir; I told Mr. Clark there was certain things connected with this bill that looked to me it was a hold-up,

—a frame-up, to extort money out of our pockets,—that they did not expect to pass this bill, but they expected to extort money out of our pockets to prevent it being passed,—I mean, that it was framed up to be passed, and they expected us to put up enough money in all probability to prevent its being passed.

Q. And you advised Mr. Clark?

A. I advised Mr. Clark that there was something wrong.

Q. Now, on Tuesday of this week,—Tuesday morning, you returned to Austin?

A. Yes, sir.

Q. Did you see Mr. Moore?

A. Not that day.

Q. Did you see Mr. Dale?

A. Not that day, I don't think.

Q. Did you see Mr. Ward?

A. Yes, sir; I saw Mr. Ward.

Q. What did you do, if anything, about the bill?

A. Well, there was one thing that we did. I went down,—I went down to the bank and saw Mr. Bartholomew,—this was on Tuesday.

Q. What bank?

A. Austin National Bank,—and I told Mr. Bartholomew that I wanted a thousand dollars in bills of different denominations—

Mr. Shelton: Of course, we realize that under the resolution the committee adopts its own rules of procedure, but I thought probably even the committee would comply to the rules of law as far as possible, and I certainly want to object to any character of testimony being offered by this witness or any other witness, that occurred out of the presence and hearing of these defendants.

The Chairman: You object to it?

Mr. Shelton: The hearsay testimony, or statements that were made to this man outside of the presence of these defendants.

The Chairman: You mean if it had any reference to the defendants,—the fact that he would go there to get money, you don't object to that?

Mr. Shelton: Well, there could not be any materiality to it unless it did have reference to the defendants, and if it does have reference to the defendants, we certainly object, and it could not be material unless it does have some connection with the defendants.

The Chairman: I don't know just exactly what the witness is going to say, but it seems to me that if he went down

to the bank to get money that that would be material testimony, if he went down to get the money.

Mr. Shelton: Of course, your rules you adopt yourself. We just want to make our objections, if the committee overrules us.

The Chairman: I think it is material. Q. All right, Mr. Chamberlin, you went down to the Austin National Bank to see Mr. Bartholomew?

A. Mr. Bartholomew,—I believe he is vice-president and cashier of the Austin National Bank, and I said to Mr. Bartholomew, that I would probably need—

Mr. Shelton: We certainly object.

Mr. Simmons: Just a minute. Limit it as much as possible to what you did, not what you told him or what he told you, but what you did.

A. Well, I told him I probably needed a thousand dollars next day. That is the shortest words as I know how to make it.

Mr. Shelton: Well, we would like to have that expurged from the records.

The Chairman: I think that is all right, to go ahead and say that he wanted a thousand dollars.

Q. All right. You arranged for a thousand dollars?

A. But the reason that I went down there that day,—

Mr. Shelton: As to his reasons—

A. The reason I went down there—

Mr. Shelton: One minute, Mr. Chamberlin, if you please. As to his reasons for acting in this matter, unless it came home to these men who are now under investigation, it could not be material as to what his reasons may have been in connection with the matter.

The Chairman: Let him tell what he did. He said he wanted a thousand dollars; let him tell what he did.

A. I told him that I would like to have him make four copies descriptive of those bills, that he would fix up that,—that I would probably call the next day,—have his private stenographer fix these up, and have them ready for me, so that if I should come in and want them in a hurry, I could get them. The next day when I did need the money, I went down to him, and the check was presented to him for this amount, drawn on funds that we had in that bank, and we got them and also the copies,—the four copies which I had requested him to have ready, of the bills, and put them in my pocket so I would have them ready whenever I needed them, if I needed them.

The Chairman: Talk out as loud as you can.

Q. Just a minute. You are getting a little ahead of the story, we were at Tuesday. You went down and arranged for the money on Tuesday?

A. Yes, sir.

Q. You got it on Wednesday?

A. Yes, sir.

Q. Let's go back to Tuesday.

A. All right.

Q. Did you see Mr. Moore or Mr. Dale any time Tuesday?

A. I don't think I did, sir.

Q. Did you send them any word?

A. I don't think I did.

Q. When did you see either one of them next?

A. Wednesday morning, I came up and had Mr. Moore called out.

Q. All right, what occurred?

A. I told Mr. Moore to have Mr. Dale come down and take dinner with me,—to have,—for him to come down and take dinner with me, and to have Mr. Dale come down with him so we could go further into the matters that we were figuring on carrying out.

Q. What matters?

A. How is that?

Q. What matters?

A. In reference to the optometry bill.

Q. The thousand dollars you were to raise?

A. Well, I didn't say anything to him then about the thousand dollars, because he was not supposed to know, so far as I was concerned at that time, that the thousand dollars was involved. I had talked to Dale previously and not to him.

Q. What did he say?

A. He said, "I don't know whether I can come down or not, my wife may come in, and if she comes in, I can't come down. If she doesn't come in, I will probably be down, and will it be agreeable with you if I bring Mr. Anderson with me?" I said, "That is perfectly agreeable with me for you to bring Mr. Anderson, I have no objection whatever."

Q. He did not give you any initials of Mr. Anderson?

A. No, sir; he did not.

Q. That is all that he said?

A. Yes, sir.

Q. Had you talked to any Mr. Anderson about the matter before?

A. No, sir.

Q. That is all you know about it?

A. That's all I know about it.

Q. What time of day was this?

A. Oh, that must have been about ten

or ten-thirty in the morning. I understood he would notify Mr. Dale.

Q. Wednesday morning?

A. Wednesday morning.

Q. Of this week?

A. Yes, sir; of this week. And later on,—later on,—I called him out again, and I asked him if he was coming down to dinner then, if I am not mistaken, or if his wife had come in, I believe I asked him, and he said no, that she had not come, and that he probably would come, but oh, yes, I wanted to ask him what time they were coming, and he said they would come down about twelve o'clock, or very shortly after twelve, and I told them to meet me in my room at the Driskill Hotel,—that I would be in my room. Mr. Moore did not come. I did not see Mr. Dale that morning. Mr. Moore conveyed it to Mr. Dale.

Judge Love: How do you know?

A. How is that?

Mr. Shelton: One minute, we certainly would object to that.

A. Just a minute, I beg your pardon, putting it that way.

Mr. Shelton: One minute, I want to address my remarks to the committee, if you please.

The Chairman: Don't state anything you don't know.

The Witness: I will say this, that I know—

Mr. Simmons: Just a minute.

The Witness: All right.

Q. Did you see Mr. Dale that morning?

A. No, sir; not until he came down to lunch.

Q. Did you see Mr. Moore go to Mr. Dale after you requested that he and Mr. Dale meet you for lunch?

A. No, sir.

Q. Then your testimony is strictly that you asked Mr. Moore to tell Mr. Dale, and for the two of them to come to lunch?

A. Yes, sir; and if the two of them could not come, to have Mr. Dale come.

Q. Now then, when did you next see either one of them?

A. Well, I saw Mr. Dale about a quarter after twelve at the Driskill Hotel.

Q. Where?

A. Well, I had started down the elevator, maybe to get a cigar or something, and as I started to get on the elevator, Mr. Dale was on the elevator, and that is where I saw him.

Q. Well, what conversation did you have with Mr. Dale?

A. Well, we went to my room, and I ordered dinner sent up to the room. I told Mr. Dale that I had not got the money yet, but I expected to be able to get it that afternoon some way or the other, but that if I could not quite raise it, we might still have to ask for a further delay.

Q. What did he say?

A. Well, there had been a delay, and prompt action was quite necessary, and so forth. I told him I was going to try my best to arrange to get it that afternoon.

Q. How long were you together that time?

A. Well, we were together there long enough to eat our dinner. We took our time, and then when we finished eating our dinner, I said to him, "Well, now," I said, "What time does the Legislature convene this afternoon?" He said, "Three o'clock." I said, "Well, I will try to get—" No, he said, "You had better try to see me before three o'clock." I said, "Well, I will try and do that." But did not get up until after three, and when I got up the Legislature was already in session, and I called him out. He came out and I told him that I would have to see him a little bit later, that I had not got fully straightened out of the kinks, that I would let him know them, and that was before the session adjourned. And then I saw him again about four-thirty, I think it was, and he says, "Now, I will tell you; Moore refuses to come to your room, I want you to go to his room at the Austin Hotel,—Room 924, at the Austin Hotel." I said, "That is all right, it don't make any difference whether we go to his room or whether he comes to my room, that is immaterial to me; whatever he prefers is satisfactory to me." "Well," I says, "What time do you want me to be there?" He says, "Well, about a quarter after six." I said, "Well, I might be a little bit late."

Q. This was the second conversation you had that afternoon?

A. Yes, sir.

Q. Where did this conversation occur?

A. Right outside of the door there.

Q. In each instance he came to the door?

A. Yes, sir.

Q. Is that all you said at that time?

A. I think so.—Now, wait a minute, let's see: No, I told him, "I might be a little bit late." I stated the reasons, you might not want to know the reasons. It don't make any difference. I

told him I might be a little bit late, I had arranged that morning for my boy to come down and take dinner,—he was going to bring a friend of his with him,—he is out here attending the State University,—I wanted to get hold of him before I saw them,—because if I didn't take dinner with him, I would have to give him some money because he didn't have any money to buy his dinner and the other boy's.

Q. All right. Did you arrange finally where you were to meet that night?

A. Arranged to meet them in Moore's room,—which was Room No. 924 at the Austin Hotel. The time was to be as soon after six-fifteen as I could see the boy and then get up there.

Q. And this was Wednesday afternoon?

A. Yes, sir.

Q. Day before yesterday?

A. Yes, sir; and the hearing was to be held at seven-thirty, and I wanted to have dinner arrangements made as early as possible before the hearing so as to be able to get up to the hearing at that time.

Q. You stated that you advised Mr. Dale at this time that you would probably have the money that night?

A. Yes, sir; I told him I was satisfied I would have it; in fact, I didn't think there was any question about it.

Q. Now, Mr. Chamberlin, you testified that when you went back to Houston you think you advised Mr. Clark, the president of your State association,—

A. Yes, sir.

Q. —there was what you called a shake-down?

A. Yes, sir.

Q. To prevent this bill from being passed?

A. No, to pass this bill,—they wanted to pass it, and we didn't want it, and the shake-down was we couldn't afford to allow it to be passed.

Q. Did you advise anyone else as to those facts?

A. Yes, sir; I told my wife I was liable to get into trouble, that it looked like as though—

Q. Never mind what you told your wife.

A. All right.

Q. Just the name,—did you advise anyone else?

A. The name?

Q. Yes; only the name of who you told that to. Did you tell anyone else that this proposition had been made to you?

A. Yes, sir, well you mean—

Q. Who did you advise?

A. I told Mr. Waide.

Q. Mr. Waide?

A. Yes, sir.

Q. Who else did you advise?

A. I told Mr. Waide.

Mr. Petsch: Which Waide?

Q. (By Mr. Simmons): Which Waide is that?

A. That is Mr. C. D. Waide, representing the Houston Chronicle.

Q. All right. Who else did you advise,—just the name?

A. You mean at that time?

Q. Any time since the thing came up last week.

A. Well, I advised the Speaker of the House.

Q. Mr. Bobbitt?

A. Yes, sir,

Q. When did you advise Mr. Bobbitt?

A. I think it was on Tuesday.

Q. Tuesday of this week?

A. Yes, sir.

Q. That was,—who else did you advise?

A. Why, several members of the House.

Q. Did you advise any officers?

A. Yes, sir; I advised,—I advised two rangers.

Q. Who were they?

A. Captain Tom Hickman, and Captain Hamer.

Q. Did you advise anybody else from Houston?

A. I don't think I did.

Q. Did you advise anybody down at the hotel?

A. I think I advised Colonel Jake Wolters,—or General Wolters.

Q. Now then, we come back to Tuesday afternoon,—Wednesday afternoon,—day before yesterday. You left Mr. Dale at the door after your second talk. What did you do then? You say you advised Mr. Hamer?

A. I advised Mr. Hamer.

Q. What did you do about your money?

A. Well, I went up to the—I went up to see the Speaker, and when I went up to see him, several other parties were in the room, when I went to see him, and the Speaker told these parties,—

Mr. Shelton: Well—

Q. Never mind that. What did you do about your money?

A. What did I do about my money?

Q. Yes.

A. I showed the money to the officers, told them—

Q. You are getting ahead of the story. When did you get your money?

A. I got it that afternoon.

Q. Wednesday afternoon?

A. Yes, sir.

Q. Where did you get it?

A. Got it at the Austin National Bank.

Q. From whom?

A. Mr. Bartholomew.

Q. How much money did you get?

A. A thousand dollars.

Q. What did you get it on?

A. On a check made out by J. Thomas Ward, secretary of the State association.

Q. It was from funds in that bank?

A. Yes, sir.

Q. Have you the check?

A. Yes, sir.

Q. Let's see it. Is this the check? (Paper to witness.)

A. Yes, sir; that is it.

Mr. Simmons: Mr. Chairman, we would like to introduce in evidence the check.

Mr. Shelton: Of course, just in order that there may be no waiver of any rights we might have, we object to the introduction of it.

The Chairman: I will allow it in. I can not see—

(The check referred to was marked by the reporter for identification, Ex. 4, J. W. D., and is in words and figures as follows:

"Austin, Texas, 2-2-27 No. ———The Austin National Bank 88-17 Pay to Bearer or Bearer \$1,000.00 One Thousand Dollars. (Signed) Texas Optometric Ass'n. J. Thomas Ward, Sec.")

Q. You got the thousand dollars?

A. Yes, sir.

Q. Did you make any record of it?

A. Well, I had,—did I make any record of the thousand dollars?

Q. Yes, sir.

A. Yes, Mr. Bartholomew made some notations on the copies that he gave me.

Q. Copies of what?

A. Copies descriptive of and describing the bills that composed the thousand dollars that he gave me.

Q. What did that have on it?

A. Well, it had on it the serial numbers of the bills that he gave me.

Q. Have you a copy of that?

A. Yes, sir.

Q. With you?

A. Yes, sir.

Q. Let's see it, please, sir.

A. (Witness searches through papers.)

Q. Never mind, we'll try to locate it later. Did you check the bills against the memorandum?

A. I did.

Q. Did you check the bills against the memorandum with anyone else?

A. I did in the presence of the Rangers.

Q. All right. Now then, what time did you go back to the Stephen F. Austin Hotel?

A. It was about twenty minutes to,—let's see; I think about twenty minutes to seven when I got up there. I was late.

Q. Never mind looking for that. We will get it later.

A. All right.

Q. What did you do?

A. When I went back to the—

Q. To the hotel?

A. When I went to the Austin Hotel?

Q. Yes, sir.

A. I went up to the room at once, and I had not found my boy up to that time, and when I went into the room Senator Floyd was in there, and Rodgers and Dale were there. Senator Floyd related a little story.

Q. Rodgers?

A. I say Senator Floyd related a little story.

Q. You say that Senator Floyd was there?

A. Yes, sir.

Q. Who else?

A. Mr. Rodgers.

Q. What Rodgers?

A. H. H. Rodgers, he introduced Dale.

Q. Moore?

A. Moore I mean.

Q. Was there any Rodgers there?

A. No, no; I meant Moore, the Moore who introduced Dale, the one-armed man.

Q. All right. When you went into the room, there were three people there?

A. Yes, sir.

Q. Mr. Moore, Senator Floyd, and who?

A. Mr. Dale.

Q. And yourself, when you went in?

A. Yes, sir.

Q. Did Senator Floyd stay there?

A. Why, he related a little story,—

Q. Never mind about the story.

A. —for about two minutes. Then I excused myself and went down,—I told

him I wanted to go down and tell my boy, or see my boy, so as to give him some supper money.

Q. Did you go down?

A. Yes, sir.

Q. You left the room and went down stairs?

A. Yes, sir.

Q. Did you give your boy the money?

A. I found my oldest boy, I didn't find the young boy,—the one I was looking for,—the young boy had gone over to the Driskill looking for me, and I gave the money to the oldest boy, and told him to look up Bill and told him to spend it and go as far as he liked on two dollars.

Q. Then what did you do?

A. Then I went back up to the room.

Q. What is the number of the room?

A. No. 924, Austin Hotel.

Q. Who was there this time?

A. Mr. Rodgers,—I mean Mr. Moore, H. H. Moore, and Dale.

Q. Do you know Mr. Moore when you see him?

A. Yes, sir.

Q. Which one is he?

A. That is him,—yes, sir. (Indicating Mr. Moore.)

Q. That is the one that was in the room?

A. Yes, sir.

Q. Now, this time only two of them were there?

A. Yes, sir.

Q. What did you do then, Mr. Chamberlin?

A. Well, I says, "We have got to order supper,—got to get it in a hurry, the time is limited"—It was a quarter to seven then, and the meeting at seven-thirty. Mr. Dale said, "I haven't got time to eat supper, you fellows had better eat, I haven't got time to eat." I said, "No, I will order up supper for three; I will get hold of that waiter and I will simply hand him half a dollar and tell him to rush three orders, and get it in a rush." I've had some suppers in less time than that.

Q. You ordered three dinners?

A. Yes, sir.

Q. Were you talking, each one of you, the three of you, while eating?

A. Yes, sir; considerably.

Q. Were you served dinner in the room?

A. Yes, sir.

Q. All right. Let's have the conversation.

A. Well, we had quite a bit of con-

versation for a short space of time. They were feeling pretty good and they were relating the fact that business was good, and that they had been making a lot of money.

Q. What business was good?

A. Well, legal business in the Legislature.

Q. Well, what was said, if you remember?

A. Well, there were,—it seems to me that there was a tobacco tax,—taxing tobacco,—some committee,—and Mr. Dale was very much interested in it. He said he had a dog-goned hard time to get that committee or a good portion of that committee to see his way, and that he had had one of the hardest fights he had ever had.

Q. Business was good?

A. Yes, business was fine. He was very much exhilarated and said he was going to have to go home for about four days and rest up so as to continue.

Q. Who said so?

A. Dale.

Q. All right. The rest of it?

A. Well, then, I—while we were progressing with supper and got pretty well along, "Well, now," I said, "how about this money? How are you going to split it? How much do you get, Mr. Moore, and how much do you get, Mr. Dale?" He said, "Well, that's all right about how we will divide it up. Just leave it in the room, throw it over on the bed or somewhere." "Well," I said, "how are you going to split this thing?" "Well," he said, "I don't know about that." So Moore finally spoke up; he said, "Well, anything that Dale does—we've been life-long friends; anything he does, I trust him with anything—I trust him with my pocketbook or anything," something of that kind, something to the effect that he had implicit trust in him. I said, "Well, I'll give it to you, Mr. Dale, on the way up to the Capitol." He said, "No, just leave it here; I don't want to carry that much money with me." I said, "We'll go over to your hotel and leave it with the clerk, so you don't have to carry it up there with you." I says, "I'll give it to you before you go to the hotel"—I mean "before you go up on the hill."

The Chairman: It has been suggested to me that we have not sworn the stenographers. I am used to court stenographers.

Mr. Shelton: If you please, we will waive that.

The Chairman: I am used to court

stenographers. I don't know how about swearing these gentlemen.

Mr. Shelton: We know they will take it right, because we have had them before.

A. (Continued) Now, before we started to leave the room, before the final details as to when I was going to pay the money, whether or not, when they saw and found I had the money, I showed them the money, Mr. Moore says, "Now, it is out of the question for me to appear up there; I've got to be sick; I've got to be sick tonight and I've got to be sick tomorrow; I've got some kind of other bill up there and I can't be seen up there; I've got to be sick." He said, "Dale, I've got to dictate a letter to you; write it out and I'll sign it and I'll put my name on the outside for the chairman." Well, the letter was written out and he signed it and he put it into a long envelope and addressed—put the address on the outside to the chairman of the committee and told Dale to tell—to state that he was sick and impossible to appear.

Q. That was just before you left the room?

A. That was just before we left the room, yes. Then when we left the room—

Q. Where were the rangers in the meantime?

A. They were—well, now, I don't know.

Q. Where did you leave them?

A. Oh, I didn't leave them in the hotel there; I left them over at the Driskill Hotel.

A. All right. You left them at the Driskill?

A. Yes.

Q. And you went on about this business?

A. I went on by myself. When they got to the Austin Hotel or how they got to the Austin Hotel, I could not tell you, or where they happened to be in the meantime I could not tell you.

Q. Well, go ahead with your story.

A. I started out then with Dale and I walked ahead of Dale and when he got some little distance out of the room Moore hollered to Dale, says "Dale, come here a minute," and while they were talking in the hall I walked to the end of the hall and turned to the elevator, there is an "L" there and the two rangers were standing over there right by the elevator, and I said, "I haven't delivered it yet, but will in a few minutes."

Mr. Shelton: Of course, we would

like to have that stricken out, Judge. It is not such testimony as is admissible.

The Chairman: Well, perhaps it would not be in court, but this is a sort of continuation of the story of what he told them.

Mr. Shelton: It is outside of the presence and hearing of the defendants.

The Chairman: I say, it is just a sort of continuation of the story. It is not like evidence in court, as a matter of course. He said he told the rangers—what was it you told the rangers?

A. That I had not delivered yet, but would in a few minutes.

Q. All right.

A. Then I pressed the button and the rangers went down on one elevator and Dale caught up with me and we caught the next elevator down.

Q. Where did you leave Moore?

A. Left him in his room. Just as we went out of the room another man came in.

Q. Who was he?

A. I don't know. He was a man, I judge, between sixty and seventy; he was a sort of shriveled-up individual—showed age marks.

Q. Well, did you meet him?

A. I don't think he was introduced to me. He was coming in the room as we walked out.

Q. Did he have any part in this business?

A. How is that? No, sir, in no way, shape, manner or form, so far as I was connected with.

Q. Well, now, let's leave him in the room. Now, you and Mr. Dale went down in the elevator?

A. Yes, sir.

Q. Then what did you do?

A. When we got down stairs I said to Mr. Dale, "I want to go back to the dining-room and see if my boy is still there." There was a big crowd in the lobby. He stood there, and I noticed right on the right the two rangers were sitting there nonchalantly like in an easy manner, like they were not paying any attention to anything or anybody. I walked right past them and walked away back to the dining-room and looked in. Hamer followed right behind close to me and when we got to the dining-room I told him there that I was going over to the Driskill Hotel and when we got out a few steps from the side entrance of the Austin I was going to slip the money, and I went back then after I talked to him

and saw Dale and I said, "I'll tell you, the boy ain't in there; we'll go over to the Driskill Hotel; the boy may be in the lobby over there," and we went out of the side door, and when we got some ten or fifteen feet outside of the side entrance I pulled the money out of here (indicating) and slipped it right over into Dale's hand and we walked on to the corner where that alley is and we stopped. I said, "Now, I'll tell you, Dale; you've got to go to the committee meeting; you better go on up. I have done everything I agreed to do"—well, in fact, as we were coming down Dale said, "I've got to satisfy Moore before we leave here or nothing can be done," so I told him then, I says, "I have done everything I agreed to do. I will go on over to the hotel and you go on up to the committee room; I'll be on up there in a few minutes, as soon as I find the boy, if I can find him." Then he started to go back and Mr. Hamer accosted him and told him he would like to talk with him—that is Captain Hamer of the rangers.

Q. Yes, sir. Now you went out which door of the hotel?

A. Out of the side door.

Q. On Seventh Street?

A. I don't know what street it is.

Q. Well, it was not on Capitol Avenue—or Congress Avenue?

A. Not on this main thoroughfare that leads up to the Capitol; it was on that side street.

Mr. Shelton: Judge, to keep the record straight, we will agree that it was Seventh Street.

A. Walked right past the office desk, you know.

Q. And then turned on towards the Driskill?

A. Well, we turned right down that street there, maybe forty or fifty steps, past the front of the offices, those two railroad offices, passed in front of them and then from there to the corner, and there we stopped, and I said, "I have complied with everything. Now, you go on up to the committee meeting and I'll go on over to the Driskill and I'll be up very shortly."

Q. Well, was it dark or light out there?

A. Well, it was pretty well lighted up.

Q. What time of night was it?

A. It was about twenty-five minutes—it was close to half past seven; it was so close to half past seven it wouldn't miss it many minutes.

Q. Mr. Hamer came up that time?

A. Yes, sir.

Q. Who was with Hamer?

A. Captain Hickman.

Q. Did you see what took place there?

A. No. Then I walked on right across the street slowly. I figured that when they—

Q. Well, never mind what you figured.

The Chairman: Never mind what you figured. Just tell what you did.

Mr. Simmons: Take the witness.

Cross Examination.

Questions by Mr. McGregor:

Q. Mr. Chamberlin, you say you never saw Mr. Moore until the morning you came up here to this session?

A. I may have seen him, but not to recall that I had seen him or that I knew him; I may have seen him.

Q. You stated in your original examination that you did not know him.

A. Well, I didn't know him. If I did know him I didn't recall ever having known him.

Q. He was pointed out to you as the author of that bill or the introducer of the bill?

A. I asked for H. H. Moore and where his seat was. In fact, I did that last Sunday, I believe.

Q. How many optometrists belong to this association?

A. Well, I could not tell you exactly. The secretary could furnish you that.

Q. Well, approximate it.

A. Well, perhaps—well, I really don't know.

Q. How long has the association existed?

A. Oh, about twenty years.

Q. How long have you been connected with it?

A. I helped form it; I was the first president.

Q. How long have you been coming to Austin as their representative—their legislative representative?

A. Well, as their clean-cut representative—the first time I came where I represented them fully without being the tag end or mixed up in a way where I was partially the tag end—the first time was when we had our hardest fight here some years ago, the year of the special session at which the bill was passed.

Q. When was that, Mr. Chamberlin?

A. Well, let me see. That was—I think it was four years ago, if I recall right. I have been coming up here so

much sometimes I have to stop and figure.

Q. Since that time you have been coming here as the clean representative of the association?

A. How is that?

Q. I say, since then you have been coming here as the clean representative of the association?

A. I didn't mean to say, as clean representative, that I was speaking of my character in that respect. I mean that I had powers to act without having to ask anybody else, that's what I meant.

Q. I understand. I am just using your language.

A. All right, and I am explaining it, if it was not understood the first time.

Q. I am just giving to it such import as it carries.

A. Sure—all right.

Q. How long has it been, then, since you came here as the unclean representative?

A. I never said I was clean or unclean.

Q. Well, without being the tag end? I will use either word.

A. All right, sir.

Q. How long had you been coming here as the tag end?

A. I have been coming here more or less ever since we have had legislation attempting to put optometry on the statutes.

Q. Nearly twenty years?

A. In that neighborhood, yes, sir.

Q. Now, you have an extensive acquaintance?

A. Right extensive; yes, sir.

Q. You enjoy or have personal acquaintance with hundreds of men who have served in the Legislature?

A. Naturally, just like yourself.

Q. In both branches?

A. We have both been playing along with them a great deal.

Q. You were here last year, or two years ago?

A. Yes, sir.

Q. This same bill was introduced at that session, was it not?

A. No, sir.

Q. Well, a cognate bill?

A. How is that?

Q. A bill of the same character was introduced?

A. As this?

Q. Yes.

A. Not that I know of. I don't recall a bill like that being introduced.

Q. That was your business here, to see about the bills?

A. Two years ago my main business here was the passage of—prevent an optometry bill as passed at the previous session.

Q. Now, I will ask you if practically this same bill was not introduced two years ago by Mr. Moore?

A. I don't recall it.

Q. Didn't you go to see Mr. Moore two years ago about it?

A. I think not. I don't remember having done so.

Q. You won't say such a bill was not introduced?

A. I don't recall it. It may have been.

Q. You will not say you didn't see Moore?

A. I may have; if I did, I don't recall it.

Q. It was your business here to look after friendly and unfriendly legislation to optometry?

A. Yes, sir. Sometimes we may overlook matters.

Q. Isn't it a fact that you talked to him about it?

A. I may have. I don't recall it.

Q. Well, now, Mr. Chamberlin, when you came up here, you say it was two weeks ago when you came the first time?

A. Well, it was—let's see. I think it was about a week ago Tuesday or Wednesday, something like that, possibly.

Q. And he didn't appear to be interested in what you were saying to him when you first talked to him?

A. Well, he listened to what I was saying, but the surmise on my part—

Q. Your expression was that he listened to you in a nonchalant way?

A. Well, in a way not taking a particular interest.

Q. Well, I am using your language. You gave that character—

A. Well, we always form impressions from our talk.

Q. I understand. That is the descriptive term you used as to the way he listened to you?

A. Yes, as it impressed me.

Q. And he told you he could send you to a man who could assist you?

A. Well, he didn't say—he said, "I can send you to a man, I think, who may be able to help you."

Q. And he gave you the name of Mr. Dale at 218 Texan Hotel?

A. Yes, sir.

Q. And told you Mr. Dale was sick and was there in his room?

A. That he was there—let's see; how did he put it?

Q. Well, he was indisposed?
A. Indisposed, is better; that's what I was trying to pull out.

Q. Now, what time of day was that, Mr. Chamberlin?

A. That was in the morning.

Q. Well, about what hour?

A. Oh, perhaps ten o'clock in the morning, something like that, I don't know; it was before the morning session.

Q. About how long before the session?

A. I could not tell you exactly; I don't recall exactly how long before it opened.

Q. But it was in the morning?

A. It was in the morning.

Q. And before the session?

A. The House was at ease, anyhow.

Q. Did you go to see Mr. Dale?

A. That morning?

Q. Yes.

A. No, sir.

Q. When did you go to see Mr. Dale?

A. I went that afternoon.

Q. Did you find him in his room that afternoon?

A. No, sir.

Q. You didn't see him that afternoon?

A. Yes, sir, I did.

Q. Where did you see him?

A. Up here.

Q. Where did you see him—whereabouts up here?

A. I came up here and had him called out.

Q. Did you tell him you wanted to talk to him about this bill?

A. I did.

Q. Did he tell you he favored or opposed the bill?

A. At that time?

Q. Yes.

A. He didn't tell me.

Q. Did he at any time tell you he favored or opposed the bill?

A. Why, I don't think he did—don't think I asked him.

Q. Your attitude towards the bill was to oppose it?

A. Why, most certainly. What would you do if you were—

Q. That is not the question. Your attitude was one of opposition to the bill?

A. Naturally.

Q. Now, didn't Mr. Dale tell you that he opposed the bill?

A. I don't recall that he did.

Q. And wasn't that the alignment between you?

A. No, he didn't tell me that.

Q. Now, what understanding did you come to with him here?

A. Didn't come to any understanding except we were going to take dinner together. He didn't take time to discuss it—said he didn't have time.

Q. Then he would discuss it with you that evening?

A. We didn't attempt to discuss it then, but we would that evening.

Q. Now, you told him and Mr. Moore to come down and take dinner with you that evening?

A. That evening?

Q. Yes, sir.

A. No, wasn't anything said about Mr. Moore that evening. He told me to come and take supper with him.

Q. And you went and had supper with him?

A. Yes, sir.

Q. Discussed the bill?

A. Yes, sir.

Q. Discussed its provisions?

A. No, not particularly. I suppose he knew its provisions.

Q. Well, wait a minute and answer the question. Did he evidence to you that he knew the contents of the bill—what the bill was?

A. Yes, his name was on the bill.

Q. Dale's?

A. Yes, I think it was.

Q. Well, was it or not?

A. Well, I am not absolutely positive. I think it was. I may be wrong about it.

Q. He did evidence to you, though, that he knew—

A. That he knew what it was, yes, sir.

Q. Didn't he tell you in that conversation that he was opposed to that bill?

A. No, sir, he didn't tell me that.

Q. Personally, but that Moore favored it?

A. No, sir, he didn't.

Q. Now, what happened after you left that dinner on this occasion—that was on what night?

A. Oh, let me see. That was last week. I don't remember—

Q. When did you go to Houston from that meeting?

A. At that time I left—I went to Houston that same night, I think.

Q. And you talked to Mr. —

A. No, I didn't, either, not that same night, for this reason: The committee meeting was to be held the next morning at nine o'clock.

Q. Did you talk to any one else in

Houston about Mr. Dale and Mr. Moore and their attitude on this legislation?

A. I never mentioned their names, either one of their names to any one in Houston.

Q. Did you talk to anybody else about this incident except Mr. Clark?

A. Except Mr. Clark?

Q. Yes.

A. In Houston, you mean?

Q. Yes, sir.

A. I mentioned to my wife that—

Q. Did you talk to any of the officials or representatives of any of the oil companies down there about this situation?

A. No, sir; I never saw any of the representatives of the oil companies down there.

Q. Where did you talk to General Wolters about it?

A. I think it was—I think it was—let me see. I think it was at the Driskill Hotel; I believe it was.

Q. Now, when did you talk to General Wolters in reference to the time that you had had dinner with Mr. Dale—that same evening?

A. That same evening that I had dinner with Mr. Dale?

Q. Yes, the first dinner.

A. No.

Q. When did you first talk to Mr. Wolters about it?

A. Oh, that was after I came back this week.

Q. After you come back?

A. Yes, sir.

Q. When did you first talk to Mr. Waide about it?

A. That was before I went home.

Q. Before you went home the first time?

A. Yes, sir.

Q. When did you first talk to the Speaker about it?

A. After I came back.

Q. After you came back this time?

A. Yes.

Q. Did you have any conversation with any one else than General Wolters about this—at the time you talked to the General was there any one else present?

A. Might have been.

Q. Was Joe Laney present?

A. I don't think so. Joe Laney?

Q. You know Joe Laney, don't you?

A. Why, I don't place him right this minute. Now, I may possibly know him; I don't place him right now; I don't know him well enough to feel that I do, and I don't; I don't know that I would know him—

Q. Mr. Chamberlin—

A. I don't know that I would know him right now if you were to bring him in here.

Q. Who suggested to you that this proposition be framed, this money be marked—who suggested it to you?

A. That it be marked?

Q. Yes, sir.

A. Well, let me see—

The Chairman: Gentlemen, the Speaker wants to receive a report from the Senate.

Mr. Shelton: That's all right.

The Chairman: We will suspend a few minutes. Oh, I thought they were waiting at the door. Go ahead. We will notify you when they come.

Q. Who suggested the framing of this proposition?

A. Wasn't any framing to it.

Q. Well, the detection of these fellows, then?

A. How is that?

Q. Who suggested the catching of them?

A. Why, that was my own—that was my own. I'll tell you, when I talked to Mr. Waide about it, went into details with him—he is a very close friend of mine, and I was bothered and worried about it; I went home and was worried about it there and I talked to Mr. Waide before I got home. Mr. Waide said, "You should advise the Speaker of the House about this," says, "It is your duty as a citizen to do that."

Q. Well, now, when you came back to Austin when did you see the Speaker?

A. The day I came back.

Q. What time in the day?

A. Well, let me see. I think it was that evening, if I recollect right.

Q. Now, when had you talked with—you had talked with Mr. Waide before you went to Houston?

A. Yes.

Q. Before you talked to the Speaker?

A. Yes.

Q. Did you tell the Speaker what you were going to do?

A. I told him what I expected to do, yes. When I came back Mr. Waide told me this: He says, "Without advising with you, and thinking it would be all right with you, I took the liberty of telling the Speaker what you told me, feeling that it would meet with your approval when I told you about it."

Q. Now, then, you went to see the Speaker about it?

A. Yes, sir.

Q. And told the Speaker what you

were going to do. When was that, Mr. Chamberlin?

A. Some time that same day; I think it was that night.

Q. Tuesday?

A. Yes, sir.

Q. That was before the transaction on Wednesday night?

A. Yes.

Q. When you took this money from the bank you took four descriptions of it?

A. Yes, sir.

Q. What was the purpose of getting it in quadruple?

A. So as to have different parties check on it to know that it was the same money and identify it as the same money.

Q. Well, now, what did you do with those four papers?

A. Well, I gave one to the Speaker of the House, I gave one of them to each one of the ranger captains, and retained one myself.

Q. Who told you to get the ranger captains?

A. Who told me to?

Q. Yes.

A. Well, I was advised.

Q. By whom? That's what I want to know.

A. Wait a minute, now, just a minute. I was advised that as a citizen of the State of Texas that it was my duty as a citizen to report this matter to the officers and to tell them what I believed was about to be perpetrated.

Q. Now, who advised you, Mr. Chamberlin?

A. The Speaker advised me that it was my duty as a citizen to do that.

Q. Uhuh. Who advised you to see these particular Rangers?—that's what I want to know.

A. Why, I was advised that I might possibly be able to find Rangers in the Adjutant General's Department.

Q. Well, who advised you?—that's what I want to know. Who was it?

A. It might have been the Speaker that told me I might be able to find them.

Q. Was it the Speaker?

A. I think he told me I might be able to locate them there.

Q. That it was your duty as a citizen to stop a violation of the law—that was the actuating impulse?

A. That was my purpose strictly and solely.

Q. You say you wrote a letter to Mr. Clark that was the basis of a circular letter that Mr. Clark sent out to the optometrists?

A. No, not as a basis, but as a statement. No, I won't say that at all. I wrote him a letter.

Q. You wrote him a letter?

A. I wrote him a letter, and afterwards when he got up his letter—

Q. Well, in that letter you said he had offered to give you five hundred dollars to defray your expenses up here, didn't you?

A. I said that he—

Q. Just answer that "yes" or "no." Didn't you say that?

A. You don't want it explained?

Q. You can explain it afterwards. Just answer that "yes" or "no." Didn't you say he had made you a proposition of five hundred dollars?

A. Not a proposition.

Q. An offer of five hundred dollars?

A. Not even an offer of five hundred dollars. When the Legislature—

Q. Now, I don't want any explanation of it. You just answer the question. Was it five hundred dollars?—that's the point—the amount.

A. It was five hundred dollars involved, but not exactly in the way you put it.

Q. Well, there was five hundred dollars involved. Now, didn't you write him in that letter that it would require a hundred dollars a day to defray your expenses here?

A. Well, now, if I stayed here any length of time it would take a hundred dollars a day on an average.

Q. For the purpose of entertaining members of the Legislature?

A. Part of which might be used for entertaining. I would like to have the letter read.

Mr. Shelton: You'll get it all right.

Q. Now, what was the character of the entertainment that you were going to give the Legislature that would cost you a hundred dollars a day?

A. Did I say it was all for that purpose?

Q. That's all right, but if it was for that purpose?

A. I will answer that I used men to get information from the same as you do.

Q. A hundred dollars a day?

A. Yes, and you pay more than that; you spend a whole lot more than I do.

Q. What did you pay for that Gordon gin you had down there?

A. That's none of your business.

Q. Answer it. What did you pay for that Gordon gin down there? We insist on an answer.

Mr. Simmons: That is entirely ir-

relevant and immaterial. This is not an inquiry of either Gordon gin or Mr. McGregor or the witness, and I think it is entirely irrelevant, and we object to going into those things.

Mr. McGregor: Now, the predicate was laid, if the court please, that the actuating purpose of this witness was to enforce the laws of his State, and I think we have a right to show that this man has maintained that character of entertainment here that would show that he does not harbor that high regard for the law that he ought to, and it affects his credibility as a witness. We hope to be able to prove that he has transported liquors from Houston to Austin and that he gave W. B. Dulaney a drink, that he gave other witnesses drinks from his room and furnished them liquor and that he stated he got this liquor off the boats in Houston and knew it was good. Taken in connection with his hundred dollar entertainment, we have a right to show those facts before the committee and before the people of this State. Now, there are two sides to this question. The fellow on the outside of the Legislature owes a duty to the State just as much as the man on the inside of the Legislature. The same law that governs the legislator governs the lobbyist. The same restrictions that are placed on the legislator are placed on the lobbyist. The legislator has no right to be debauched by a lobbyist, and the lobbyist has no right to debauch the legislator, and he can debauch them with women, wine and song just as effectively as with money. We have a right to go into it just as sweepingly as your rules permit, and I submit in this hearing that if it is a fact—if it is not a fact it won't hurt anything, but if it is a fact that this man has flagrantly and persistently violated the Dean Law of this State we have a right to show it.

Mr. Simmons: Mr. Chairman, Senator McGregor has practiced law too long in Texas to think that a mere charge for the first time in any investigation is evidence against a witness to attack his credibility or for any other purpose, and the Senator will tell you that any such testimony is inadmissible in any court or any investigation. Whenever this body sees fit to go into the liquor dealings of its lobbyists, well and good; let them appoint a committee to investigate that. But this committee is here to investigate bribery charges, Mr. Chairman, and so far as the Attorney

General's Department is concerned, we hope and ask that it be limited to the investigation for which our services were requested. Smoke screens may be thrown up in many ways, and one of them would be to take some little side issue like this and run clear out of the county on it. If they can show anything that was done at the party that was pulled at the Stephen F. Austin Hotel, well and good, that is part of this transaction; but if anything else, we respectfully request that it be stricken out of this hearing.

Mr. Shelton: It has been a general rule of law that any felony committed by the witness went to his credibility as a witness—that any matter involving moral turpitude went to the credibility of a witness. We have asked this witness a question with reference to a certain matter. If that matter occurred, and under the laws of this State it was a felony, it certainly affects his credibility as a witness, and we certainly think we ought to have a right to show the character of the witness who has offered this character of testimony against a member of this House.

The Chairman: Do you think that under the rules of law you could ask a witness on the stand—you wouldn't have a right to ask him if he has been convicted of a felony or even charged with a felony?

Mr. Shelton: No, sir, I don't think that, and especially in view of the scope that this has gone in this investigation, we certainly think it is admissible.

The Chairman: It looks to me, if you undertook to show—if this were a trial of a case in court—

Mr. Shelton: If he wants to claim his immunity, that is a different question.

Mr. McGregor: This is cross examination, Your Honor.

The Chairman: Yes, sir, and if you want to show that he has been charged—

Mr. McGregor: You are investigating a most delicate situation, affecting the integrity not only of the two men most involved in this transaction but of the entire Legislature. Here is a man with a letter that uses this language—

Mr. Simmons: We prefer, Mr. Chairman, if it is to be read, that the letter be introduced and speak for itself.

Mr. McGregor: It is a rule of evidence that if I introduce part you can introduce it all.

Mr. Simmons: I think the rule is that you should tender the letter to us

and let us inspect it and let it speak for itself.

Mr. McGregor: Well, I'll do that; I will tender it to you and let you see it. The witness has already said he wrote it as a basis and says that usually it cost him a hundred dollars a day to entertain, not these men—

Mr. Stone: Mr. Chairman, the letter is the best evidence, and we have got it under examination at this time to see whether or not we want to object to it, and the point is that—the objection I make is that while we are doing that Senator McGregor goes ahead and relates the contents of the letter.

Mr. McGregor: I interrogated him on the letter and he had practically stated what is in it, so the letter is identified by the examination.

Mr. Simmons: We have no objection to the letter.

Mr. McGregor: This is a letter that purports to be signed—it is a mimeograph copy—by the witness: (Reads letter, as follows):

Mr. J. Howard Clark, President, Texas State Optometric Association, Houston, Texas.

Dear Sir: You informed me a few days ago that the Executive Committee of the State Association held their meetings in Waco early in the month. As you know, I was unable to attend as December is my busy month, Sundays included.

You ask me last week if I would be able to go to Austin again to take care of Optometry's interests at the coming session of the Legislature, and you also stated that the Executive Committee had set aside \$500.00 from your regular budget to take care of my expenses. I did not intend to go to Austin, as I had a number of interests at stake requiring considerable attention. However, I told you that I would go if it was necessary. Since that time I find, after a thorough investigation, that there are some things that will require careful handling in order to prevent having some things put over us, and I wish to advise you that while I am willing to be as economical as possible in disbursements, at the same time I realize more than any one that when I go to Austin it usually costs me about \$100.00 per day for entertaining purposes, giving dinners to many members of the Legislature in order to receive certain co-operation that I could not secure any other way; and unless you can in some way or other increase

the amount you spoke of, it will be impossible for me to spend much time in Austin, or to look after our interests and protect them as they should be protected.

I make above statement in the most friendly way possible, feeling that it is strictly a business proposition to be viewed in a business like way, and I would like to hear from you as to your views in said above matter. I am sending a copy of this letter to J. Thomas Ward, Secretary of the State Association at Austin, and either you or Mr. Ward can use it in any way you see fit, as I have no objection, to any member of the State Association knowing exactly what my views are in this matter. This has come to me without my seeking or conferring, or intimating any desire to go at this time, or requesting that I be sent, and it has come entirely voluntary from the members of the Executive Committee without any knowledge that this matter was going to be taken up until you informed me that it had been and requested me to comply with your request.

Yours very respectfully,
W. W. CHAMBERLIN.

Mr. McGregor: That letter is addressed to J. Howard Clark, President of the Texas State Optometric Association. It carries no date. Now, we offer a letter from Mr. Clark, which carries no date, but has a Houston headline: (Reads letter, as follows):

Dear Sir:

Those whose duty it is to represent your immediate present needs and interests are without funds for the purpose.

The Legislature is in session and a bureau bulletin indicates that the Medical Practice Act is to be amended and made stronger.

Newspapers and other sources indicate that some sort of a one board health department bill is ready for introduction.

Some members of the Executive Committee believe special funds have been raised to push a bill in a direct attack upon our Optometry Laws by men who are not satisfied with them and their application to "itinerancy." The news has come to our ears of an association of itinerant registered men, who have formed a pool for legislative purposes, which in the main hopes to amend the

existing laws, so as to favor the traveling man. We must be prepared!

There is yet another proposed bill, in which our interests are vital, and require immediate and adequate attention, that concerning State-wide examination of the vision of drivers of motor cars.

It is only just to say here that all bills dealing with the Medical Practice Act do not originate or receive support from the Medical Association or, receiving their support, are not necessarily in conflict with our interests.

The fact is, though, that amendments to bills are often made from the floor, and, should they involve our interests, we can not expect others who have their own hands more than full to take time, and go to the expense of trying to protect us. In many cases only trained men can see the application of an amendment to a particular measure, and if we do not have trained men on hand to indicate its application to us, it might not be noticed until it got into court.

Individual members of our Association can not look after these things for themselves. It is the duty of the Association to do this for its members—the members furnish the money for expenses and extend other assistance when called for.

In view of our interests, which are both immediate and urgent, it is believed the Association can handle the situation with an expense of \$2500.00, though it should have in hand now about twice that amount to render fully adequate service.

Your Executive Committee, in view of the emergency, has authorized an assessment of fifteen dollars per member in addition to voluntary subscriptions. In order to get immediately the necessary funds, I am requesting each member for a voluntary subscription of \$15.00 or more. Those members who subscribe \$15.00 will be credited with it when the assessment is made. Those who subscribe less than this will be credited with what they subscribe, when the assessment is made.

Immediate payment of association dues is also urged. Checks should be sent at once to J. Thomas Ward, secretary, P. O. Box 902, Austin, Texas. Checks intended for payment of dues should be marked, "for dues," otherwise they will be credited on voluntary subscriptions.

The fact is that the business of this association, properly handled, would require from one to five dollars monthly

dues, and no better investment could possibly be made by the members. This is no social club, nor charity institution, the association is engaged in the business of protecting, bettering, and improving the status of optometry in the State of Texas. We are functioning at all only because of the fact that a man like Willis Chamberlin is in charge of our legislative interests, and has the ability to draw to his support experts in the things he requires, and the labor and the time of these men cost the association nothing.

May I not urge immediate action in this matter. We are here in Austin endeavoring to protect your business and your income from the attacks of those opposed to us. The matter lies in your hands; we are depending on you, this administration is not going to make a note at the Austin bank and then have it run along for 31 months as did the previous one. Do what you care to do for optometry "now."

Your President,
HOWARD CLARK.

P. S. Enclosed you will find a letter from Willis Chamberlin, chairman of legislative committee—which is self explanatory. Mr. Chamberlin is the man who secured passage of optometry bill and is the man who can best protect it. He knows whereof he speaks.

Q. Now, in this letter, Mr. Chamberlin, you used this sentence: "However, I told you that I would go if it was necessary. Since that time I find, after a thorough investigation, that there are some things that will require careful handling in order to prevent having some things put over us, and I wish to advise you that while I am willing to be as economical as possible in disbursements, at the same time I realize more than any one that when I go to Austin it usually costs me about \$100 per day for entertaining purposes, giving dinners to many members of the Legislature in order to receive certain co-operation that I could not secure any other way; and unless you can in some way or other increase the amount you spoke of, it will be impossible for me to spend much time in Austin, or to look after our interests and protect them as they should be protected." Now, that is the sentence in which you used the expression of a hundred dollars a day; that is in this letter I just read to you?

A. You just read it: I am not questioning it.

Q. Now, out of that hundred dollars

a day, or out of that expense account, did you buy some whiskey to be used here in the Legislature?

Mr. Simmons: Mr. Chairman, we insist on our objection.

The Chairman: The objection will be sustained.

Mr. McGregor: Now, in order to keep the record, we offer to prove on cross examination of this witness that in his room was cognac brandy and gin and that he tendered one witness that is available the brandy and suggested to him that the gin was the best—better than the brandy, because procured off the boats in Houston and brought up here, and then we will offer to produce a number of witnesses who procured liquor—

The Chairman: Well, go ahead.

Mr. McGregor: We are just making the offer in order to keep our record—that it was available in this witness' room at the Driskill Hotel.

The Chairman: I think it would extend the examination into all sorts of things to go into that.

Mr. McGregor: We are submitting, Your Honor, to your ruling, and we simply want to keep the record.

The Chairman: All right.

Mr. McGregor: And think we would be able to sustain the offer made, that strong liquors were available at any time and that it was within the purview and the contemplation of this witness as a part of his expense account to furnish liquors when he wrote this letter. Now, then—

Mr. Simmons: Mr. Chairman, I am going to move that those remarks be stricken from the record, because Senator McGregor put it in purposely, knowing that it was inadmissible to impeach this man on any such basis in law or any other way, and he put it in to inject something into this investigation that has no place here and which is no part of any investigation of this particular type, on bribery. He does not say it had anything to do with his men or that any was offered his men, and it would not be admissible in any court of record nor here.

The Chairman: I sustained the objection.

Mr. McGregor: I am going to make this statement—

Mr. Simmons: Our motion is to strike out the remarks.

Mr. McGregor: I have been practicing law a long time. The first rule that I tried to learn in the practice of law was courtesy. I never impugn the motives of a lawyer in doing anything. He

may not know any better. When I offered the testimony I thought it was admissible; it may not be. I have a right to ask any question on cross examination of any witness that in my judgment will elicit a fact that is beneficial to my client. Now, I don't care anything on earth about any man's appraisal of my ability; but I do object for any man to charge me with an ulterior purpose. I do everything I try to do to the best of my ability and for results; everybody knows that, I think. But I object to the constant impugning that we are trying to do something that we know is wrong. Now, we are not doing that. It might not be right, but we think it is right, and we think that the law will sustain us in it, that we have a right to ask these questions. I don't care what this board (committee) does with it, but it is my duty to ask the questions. The rule is well established that you can not hamstring and tie the hands of a lawyer; he has a right to ask any question that in his judgment will elicit an answer that he thinks will benefit his client, provided he does so courteously and respectfully to the court hearing the inquiry. So we have asked these questions, and, with all due deference to this committee and counsel on the other side, I don't think we ought—that they ought to be constantly saying that we know we are doing this, that and the other.

Mr. Simmons: I would like to have it understood right now, Mr. Chairman, his remarks prefacing this liquor and gin business—in order to keep the record clear, the record is being made for this committee. When anything is excluded, for what is the record being made? The Legislature is here. Is it for an appeal to the courts? That is the basis of my motion, Mr. Chairman, to strike it out. There is no record being made here, as I understand it, for an appeal to the courts. If not, what has that statement to do in this record after it has been excluded by the chairman?

Mr. McGregor: It has this relevancy: This resolution requires this committee to make a report, and the Legislature can take the committee's report and the testimony as reduced here to writing and they can adopt or reject that report, basing their action—legislative action on the exclusion of the testimony as well as the admission of testimony, and I think we have a right to make the offer.

The Chairman: Why are you objecting to his reasons for offering it?

Mr. McGregor: We just make the offer.

The Chairman: I don't think it amounts to anything.

Mr. Simmons: All right.

Mr. McGregor: Now, I want to ask one further question and not have the witness answer it until objection is made, because I am going to tie it into this particular transaction.

Q. Now, the night that Mr. Dale was in your room—the day that Mr. Dale was in your room, isn't it a fact—isn't it a fact that Mr. Franklow and Mr. Dulaney were there?

A. They came in while we were there.

Q. While you were there?

A. Yes.

Q. Anybody else come in?

A. Yes, Judge W. L. Hill came in.

Q. Now, I will ask you if you didn't ask Mr. Dale, Mr. Franklow and Mr. Dulaney, all three of them, to take a drink?

Mr. Stone: Don't answer that question. Mr. Chairman, as counsel for the witness I offered him to this committee without any reservation, and that only pertains and applies to matters that are material in this investigation and might throw some light and help to get the truth and the facts before the committee. Now, I don't recall that the law makes it a felony to have a bottle of whiskey in your room. It certainly does not involve moral turpitude. It is not admissible for the purpose of impeaching a witness or testing his credibility as a witness, and I think that all matters that pertain to liquor should be stricken from the record, and it is not an offense when you have a guest in your room, so far as I know, to offer him a drink of liquor; that does not involve a serious offense and has nothing to do—the only purpose it could have would be to becloud the record and conceal the truth in this investigation, and I think those matters ought not to be permitted.

The Chairman: Of course, he has asked the question and I sustained the objection to it, like I did the others, as being immaterial matter in the investigation, so I don't know—there is no exception noted or anything of that kind like in court.

Q. Mr. Chamberlin, the only time that money was ever discussed in any conversation with Mr. Moore was on the night of the conversation when you had the supper in his room?

A. Yes.

Q. That is the only time he ever mentioned any money?

A. That is correct.

Q. And the only writing that you

ever got from Mr. Moore by letter or otherwise was the memorandum of Mr. Dale's room?

A. Yes.

Q. And that was in his handwriting, written for you?

A. Yes, that was in his handwriting. That was the memorandum that he wrote out, handing it to me to give me the directions.

Q. I understand—it is in evidence?

A. Yes, sir.

Q. Now, you have no other writing from him at all—from Mr. Moore?

A. Have I any other handwriting from him?

Q. Yes.

A. I don't think so.

Q. You ever get any communication from him about this bill?

A. No, nothing that I recall.

Q. Typewritten or otherwise. He never wrote you any letter?

A. I have never seen any.

Q. You never had any conversation with him about the bill except here and at his room?

A. With Mr. Moore?

Q. Mr. Moore.

A. No.

Q. There was no one in Mr. Moore's room the night the conversation was had except yourself, Mr. Moore and Mr. Dale, Senator Floyd having gone?

A. When we were talking together about it, only the three of us.

Q. Only the three of you?

A. Yes, sir, that's all.

Q. Now, they told you there in this conversation that business was good with them?

A. Yes.

Q. Legal business. Now, which one of them told you that?

A. Now, Mr. Dale—Mr. Dale said that—Mr. Dale made the statement that it was.

Q. That legal business was good with him?

A. Yes, sir.

Q. What did Mr. Moore say?

A. He didn't say much.

Q. Well, what did he say?

A. Well, I don't know that he said anything in particular along that line, but I just took it—

Q. I understand, you don't recall anything that Mr. Moore said about business or anything of the kind?

A. No, I think it was Mr. Dale that spoke about that.

Q. Now, did Mr. Moore say anything about dividing any money?

A. Well, he said, when I spoke about

their being interested, he says, "We'll handle that between ourselves."

Q. What did you say about their being interested—did you ask them how they were going to divide the money?

A. Yes, I did.

Q. Now, what made you ask that question, Mr. Chamberlin?

A. Well, I don't know. I thought I would give one of them part and the other one part of it.

Q. Well, would you have done that—would you have divided the money there and paid them separately?

A. I might have done so.

Q. After talking to the officers?

A. How is that?

Q. After talking to the officers?

A. Even after talking to the officers I might have done so.

Q. Even after talking to the officers?

A. In other words, talking to the officers would not have changed my plans in that respect any.

Q. I understand. I am just trying to get the facts.

A. That's what I am trying to do exactly.

Q. All you did was to ask them how they were going to divide this money?

A. I said something about that.

Q. Now, didn't you state in your examination in chief, didn't you state that Dale said not to say anything to Mr. Moore about it?

A. No, I didn't.

Q. I don't say you did; I just asked the question.

A. No, I didn't.

Q. Did Dale at any time tell you not to discuss money with Moore?

A. No, he never said anything about it either way.

Q. But Moore did tell you to go to see Dale, that he thought Dale would help you?

A. Yes, but he didn't say there was any money consideration or anything of that kind—didn't intimate that there was.

Q. When did Dale tell you the first time that he was against the bill?

A. He never did tell me he was against the bill.

Q. He never did tell you he was against it?

A. No, sir.

Q. Did he tell you he was for it?

A. No, sir; he didn't tell me either way; I don't know how he stood on it, whether he was for or against it.

Q. Now, your first conversation with Dale was a very brief conversation in front of the door?

A. Yes.

Q. The substance of that conversation was that you made an appointment to have dinner with him at the Texan?

A. Yes, I wanted to talk with him about the bill.

Q. I understand.

A. He said he didn't have time, but would down there, yes, sir.

Q. Now, then, at the Texan Hotel he told you it would cost you a thousand dollars to defeat the bill?

A. That seven hundred and fifty would be paid by the opposition if it was passed out favorably.

Q. I didn't ask you that. I asked you if he didn't tell you that it would cost a thousand dollars to defeat the bill?

A. That for a thousand dollars it could be defeated and would be defeated, yes, sir.

Q. He also told you in that conversation they could get seven hundred and fifty dollars for passing it?

A. Yes, sir.

Q. You told him that was lots of money?

A. Yes, sir.

Q. And told him you would see what you could do?

A. Yes.

Q. That night you went down to Houston?

A. No, I don't think I went to Houston that night; I don't believe I did. I am not real positive whether I went to Houston that night or whether I telephoned and had Terrell meet me here. I am not real sure about that, whether I stayed here the next day or not. I'll tell you, I was going back and forth so much, there a day and here a day, and so on.

Q. Now, you ate dinner at the Texan Cafeteria on West Seventh street, did you not?

A. Yes, sir.

Q. There are tables all around there, with employes coming and going and people there eating?

A. Yes, there were others there. It was a little late and there were few other people eating.

Q. You said it was about seven o'clock and your appointment was made for seven o'clock?

A. Yes, sir; I think it was about that time.

Q. Now, you never saw him any more until when?

A. Some time the next week, I think the following Wednesday.

Q. Where did you see him then?

A. I saw him up here.

Q. Whereabouts?

A. I called him out. Let me see. No, I didn't call him out then. The next time I saw him was when he took dinner with me.

Q. Now, where did he take dinner with you?

A. In my room.

Q. Whereabouts?

A. In the Driskill Hotel.

Q. What is the number of that room?

A. Room 78.

Q. Anybody else have dinner with you?

A. No.

Q. Was there anybody else in the room at that time?

A. No. Just shortly before we left Judge Hill came up. He had been occupying that room with me.

Q. Anybody else come in?

A. Wait a minute. Judge Hill came in. I said, "I didn't know you were still here, Doc; you didn't answer the 'phone.'"

Q. I didn't ask you that.

A. He came in with Mr. Franklow and somebody else he introduced me to.

Q. That was Mr. Franklow and the other man was Mr. Dulaney?

A. I think so.

Q. He was a member of the Prison Board?

A. Anyway, I knew Mr. Franklow, and the other party came in; we shook hands, and I was pretty sure the other party was Mr. Dulaney.

Q. You had already had dinner at that time?

A. Yes; we might have been eating or might have finished up.

Q. Now, was that Tuesday of this week?

A. That was Wednesday of this week.

Q. Before the arrest on Wednesday night?

A. Yes, it was Wednesday noon.

Q. Now, when did you make arrangements at the bank for this money?

A. I made arrangements to get the money the day before.

Q. What kind of arrangements did you make

A. I just told him that I would want the money, and he says, "Well"—I told him that I might need the money, that was it, and he said, "Well, how about paying for it?" I said, "Well, you'll get a check for it; you'll get a check for it when you deliver it."

Q. Did you have an account there?

A. Why, the State association has had an account there for several years; it has kept money there all the time.

Q. This check was on the State association account?

A. Yes, sir, sure.

Q. And did the account on Tuesday when you came back to Austin—now, when you came back on Tuesday morning this week, that is when you got to Austin?

A. Yes, sir.

Q. Did the Texas Optometric Association have as much on deposit on that Tuesday morning when you came into town as one thousand dollars?

A. I don't know, because I didn't ask. I knew very well if I didn't have it, I could get it, and get it from them, but I didn't know how much money we had on hand. I didn't know whether the Association had a hundred dollars or five hundred or a thousand or what they had.

Q. Now, was there any deposit made to this account on Tuesday?

A. Why, not that I know of.

Q. Well, have you heard there was?

A. Well, I will say this: that before this check was issued the Secretary of the Association asked—either he or I asked Mr. Bartholomew how much money there was on deposit to the credit of the State Association.

Q. What did he tell you?

A. He told us that there was over a thousand dollars.

Q. Then there was no deposit made down there on Tuesday?

A. Not on the day when we went after it, and if it was made that morning or the day before I don't know of it. However, there is a man here in town who can tell you whether there was or not.

Q. That is Mr. Ward?

A. Yes, sir. In other words, he handles those matters.

Q. The bank books would show?

A. Yes, sir.

Q. I am just trying to find out.

A. Yes, sir, sure.

Q. Now, this check, this thousand dollars that was to be paid, that was the money of the Texas Optometric Association?

A. Yes.

Q. It was not furnished to you nor to Mr. Ward nor to the Association by any other person for this purpose?

A. No. By what?

Q. By any other person for the purpose of using it in this decoy?

A. It was furnished to us.

Q. By whom?

A. By Mr. Bartholomew on this check.

Q. I understand that, but it was your money or the Association's money?

A. It was the Association's money, yes.

Q. Did you make or did Mr. Ward make any deposit that you know of in that fund down there on last week?

A. I don't know.

Q. You don't know?

A. I don't know whether he did or did not.

Q. Mr. Ward would know?

A. I presume so. I don't know, though. I can't answer that.

Q. That is J. Thomas Ward?

A. Yes, sir.

Q. He is the Secretary?

A. Yes, sir.

Q. Who suggested to you that you have these four copies made for identification?

A. Why, I did that for my own protection.

Q. I know, but who suggested it to you?

A. To tell you the truth, right now I don't remember who did suggest it; I really don't remember who it was that suggested it.

Q. You told Mr. Waide that this was in contemplation before you went to Houston last week?

A. I didn't tell him it was in contemplation at all. I told him that this occurrence had happened.

Q. Well, that the proposition or discussion had been had?

A. That I had seen—that I had seen a party and had—I thought for a certain consideration the bill could be defeated.

Q. I understand. I am trying to fix the time when you spoke to Mr. Waide.

A. It was before I went home, sir.

Q. Yes.

A. That was before I went home last week. I think I left here last Thursday night, I believe it was.

Q. Did you state a while ago who it was that sent you to the Adjutant General's office to get Captain Hamer and Captain Hickman?

A. Well, I think if I recollect right, the Speaker of the House said I might be able to find officers in the Adjutant General's Department. He didn't tell me to go to the Adjutant General's Department.

Q. Dale told you that Moore would not come to your room?

A. How is that?

Q. Dale told you that Moore would not come to your room?

A. Yes, and—

Q. And for you to go to his?

A. Gillis told me to.

Q. Who is Gillis?

A. Gillis is an itinerant vendor. He said that Moore told him that I tried to get him to my room as a decoy.

Q. Did what?

A. That I invited him to come to my room that day at noon and he would not go because he knew there was something wrong about it.

Q. Were you here Monday night of this week?

A. No, I left home Monday night; I was home Monday, and got in here Tuesday morning.

Q. Where did you see the Speaker to tell him about this?

A. I think I saw him down at the hotel.

Q. When did you see him?

A. The day I came.

Q. That was Tuesday of this week?

A. Yes.

Q. Had a conversation with him?

A. Yes, that was the day I came back. I left home Monday night. I was at home Monday.

Q. Have you got any interest in any other measures, as representative or otherwise, pending before this Legislature?

A. None in any way, shape, manner or form.

Q. Except the optometric bill?

A. None whatever, never had, never collected a nickel from any corporate interest or had anything to do with them in any way. I have attended to my business, and I suppose they have attended to theirs.

Q. What is meant by this expression in this letter of Mr. Clark's: "There is yet another proposed bill"—

Mr. Stone: We make this objection: that it is a letter by another party and this witness could not explain what another party meant.

Mr. McGregor: I don't know whether he could or not.

Mr. Stone: He does not know.

Mr. McGregor: You haven't heard the question.

Mr. Stone: He is not the author. Let the author of the letter explain what he meant.

Mr. McGregor: Let us ask the question, Your Honor.

The Chairman: What is your question?

Mr. McGregor: I haven't asked it. I was just fixing to ask it. Don't answer it, Mr. Chamberlin.

Mr. Calhoun: Mr. Chairman, if it is anything in reference to what Mr. Ward said or Mr. Clark or anybody else save and except the witness, this witness can not be bound by it, and we therefore ask that counsel be not permitted to go into it. We can't try this man on what others have said. He is reading from—

The Chairman: Are you reading from the letter this man wrote?

Mr. McGregor: No, this is the letter of Clark's that is in evidence; the letter is in evidence.

The Witness: It is not my letter.

Mr. Calhoun: We object to it.

The Chairman: Do you want to question him now about what it means?

Mr. Shelton: Yes, if he knows.

Mr. McGregor: I want to ask him about a bill that is mentioned.

The Witness: It has not been introduced. I had reason to believe it would be.

Q. Now, what was that bill, Mr. Chamberlin?

Mr. Calhoun: Now, may it please the Chairman, we object to trying Mr. Clark or trying Mr. Ward or anybody else. They can cross examine this witness as to anything he may have written, but what the other parties have written is a declaration of an outside party and extraneous to any matter before you, and we ask in the interest of time and the interest of justice and right that it be excluded and he be not permitted to go into it.

Mr. Shelton: If this witness knows or did know the contents of the letter and the matters to which they refer he certainly has the right to answer. He was representing the Association at Austin. If he knew the contents of the letter and the bills to which it referred he could certainly—ought to be required to answer.

The Chairman: Oh, so far as I am concerned, you can ask him the question if he did know anything.

Mr. McGregor: That's all we want.

Q. Now, what was this proposed bill that was referred to in this portion of this letter?

A. It was a bill I heard was going to be introduced, as we often hear of these things, and I wrote a letter in reference to it and got a reply, and up to the present time that bill has not been introduced.

Q. What was the substance of that bill?

A. As I understood, it was—

Mr. Calhoun: Your Honor, we object to going into it.

The Chairman: If the bill was not introduced, I think you have had enough on that. It just takes up time for nothing.

Mr. McGregor: It was a basis for collecting money.

The Chairman: I think it takes up time for nothing, if there wasn't any bill here.

Q. It was a part of your representation to be vigilant as to pending measures before the Legislature that affected adversely or favorably the interests of the practitioners of optometry, was it not?

A. Well, supposedly, of course.

Q. And it is also an implied part of that to anticipate favorable or adverse legislation?

A. Why, most certainly.

Q. Yes.

A. Find out anything that may be pending. You have had those experiences—you know what it means.

Q. Yes. Did you talk to any other member of the Legislature about this matter of what Dale had said to you, Mr. Chamberlin?

A. I don't think I did.

Q. You never told anybody else except—any other member of the Legislature?

A. I don't recall having had any conversation with any one particular individual in reference to it.

Q. Did you ever talk to any other member of the Legislature at all about this bill, and if so, who?

A. I don't think that I took this matter up—

The Chairman: Just a moment, gentlemen. I believe the Speaker wants to make another announcement.

(Recess.)

The Chairman: All right, gentlemen. Go ahead.

Q. You say you never talked to any other member of the Legislature about this bill?

A. I don't think I did.

Q. Mr. Moore was not on the committee that had charge of the bill?

A. No, I think not.

Q. Mr. Dale was not on the committee—was Dale on the committee?

A. Dale was on the committee.

Q. Dale was on the committee, and Mr. Young, I believe you said, was the chairman?

A. Oh, you mean did I talk to any other members of the committee?

Q. As to the merits of the bill?

A. Yes.

Q. Who did you talk to?

A. I talked to Mr. Harman. I happened to meet him down at the hotel.

Q. Is Mr. Harman a member of that committee?

A. He is a member of the committee and was introduced to me in the Austin Hotel.

Q. Who introduced him?

A. I don't remember who introduced him. I mentioned to him, "By the way, you are a member of the committee."

Q. Is that Judge Harman of Waco?

A. Well, he is a member of the House and a member of the committee. In fact, I asked him about it.

Q. Was Dale present?

A. No, sir.

Q. When was that?

A. That was the other night.

Q. Tuesday night?

A. I don't remember whether it was Tuesday. I expect it must have been Tuesday night.

Q. Did he tell you whether he favored or opposed the bill?

A. I don't think he told me whether he either favored—

Q. Did you tell him you had talked to Dale about the bill?

A. No.

Mr. McGregor: That's all.

A. (continued.) I may have talked to some other members; I may have talked about it to some of the other members of the committee, telling them I had a bill of that character.

The Chairman: That's all now. Stand aside.

Mr. Simmons: That's all we have.

The Chairman: Stand aside.

Mr. Simmons: That's all, Mr. Chamberlin, at this time.

Frank A. Hamer, having been duly sworn, testified as follows:

Direct Examination.

Questions by Mr. Simmons:

Q. What is your name?

A. Frank Hamer; Frank A. Hamer.

Q. Where do you live, Mr. Hamer?

A. Austin.

Q. What is your occupation?

A. I am in the Ranger Service.

Q. How long have you been an officer?

A. Twenty—a little over twenty-one years.

Mr. Petsch: Captain Hamer, won't you speak a little louder so the rest of the members of the Legislature can hear you?

The Witness: Yes, sir.

Q. You are a Captain in the Ranger Service at this time?

A. Yes, sir.

Q. Do you know Mr. Chamberlin—

A. Yes, sir.

Q. The gentleman who has just left the stand?

A. Yes, sir.

Q. How long have you known him?

A. I couldn't say; I met him some few years ago in Houston.

Q. Have you seen him here recently?

A. Yes, sir.

Q. The last week or so?

A. Yes, sir.

Q. When did you see him this week?

A. Last Wednesday.

Q. Last Wednesday?

A. Last Wednesday evening.

Q. Where was that, Captain?

A. He came to the Adjutant General's office.

Q. Who was present?

A. Captain Hickman.

Q. Just the three of you?

A. Yes, sir.

Q. Will you relate to the committee the business that he came on?

Mr. Shelton: Now, of course, if the committee pleases we still raise the same objection that we did before, that it happened out of the presence and hearing of these gentlemen.

The Chairman: Yes, I understand.

A. Well he came down and said he had a proposition he wanted to talk over with us, that certain members of the Legislature had agreed to take a bribe of a thousand dollars to favor certain legislation, without going into the details, and he went ahead briefly and told his proposition. I called—

The Chairman: A little louder, Captain.

Q. All right, what did you do?

A. After it was explained to us I called up General Wolters at the Driskill Hotel.

Q. For what purpose?

A. I wanted to see just how far we could go legally.

Q. You had known General Wolters—

A. Several years, yes, sir.

Q. —as a lawyer and as a general in the National Guard?

A. Yes, sir.

Q. Then what did you do?

A. Went to the Driskill Hotel and had a talk with him.

Q. Who went with you?

A. Captain Hickman.

Q. And where did you go from the Driskill?

A. To the Stephen F. Austin Hotel.

Q. Now in your own way just relate everything that happened just as you saw it.

A. Well, we had been told that the transaction was to take place at room 924; we went to the ninth floor and we waited in the hallway near the elevator until after seven-thirty; Mr. Chamberlin came out of the room, he and Mr. Dale, out of Room 924, and when they got about half way to the elevator someone called Mr. Dale, and he went back.

Q. Now, just a minute. How long had you been waiting there?

A. We had been waiting there, let me see—I would say, as well as I remember, about from six-fifteen or twenty.

Q. Until nearly seven-thirty?

A. Yes, sir.

Q. During that time had any person gone into that room?

A. Well, they might have. I did not see them.

Q. Was anything carried into that room that you know of?

A. Yes, sir, a negro porter served meals there in the room.

Q. In 924?

A. Yes, sir.

Q. That was the only person you saw go in there, was it?

A. Yes, sir.

Q. All right.

A. When Mr. Dale was called back Mr. Chamberlin came on to the elevator—on to the elevator where we were at, and he says, "They wouldn't take it in the room," he says, "Follow us." Hickman and I went down on the elevator and walked back from the elevator to the stairway, and in just a few seconds Mr. Dale and Mr. Chamberlin came down on the elevator. Mr. Chamberlin seemed to be looking for someone, and I heard him say that he would look into the coffee room to see if he could find them. He passed by where we were at and I walked on down that way, and he says, "Follow us, I am to deliver it to him on the outside of the hotel." I came on back and fell in behind him and he and Mr. Dale walked out of the side—the side door of the hotel, and—Shall I go ahead and tell what I saw?

Q. Yes, sir, tell the story.

A. I saw Mr. Chamberlin, when they had got some twelve or fifteen feet from the door, going east, reach his hand in his pocket and reached over this way (indicating), and Mr. Dale reached over his hand and taken something; I couldn't say what it was; he had both hands up this way (indicating); he had his back to me and I couldn't see what he was doing, and then I saw him stick his left hand in his pocket—left pocket.

Q. Saw who do that?

A. Mr. Dale. They walked on to the alley and Mr. Chamberlin walked across the street. Mr. Dale turned around and started back, and I stopped him and asked him if his name was Dale, and he said yes. I introduced myself and told him I was an officer. He said, "Well, what's the trouble?" I says, "Possibly not anything." I says, "I have information that possibly you have recently accepted a bribe of a certain sum of money." "Well," he says, "I just accepted a fee of a thousand dollars to represent a man"; and I says, "Well, consider yourself under arrest"; and I says, "I want to search you"; and he says, "All right, go ahead"; and I put my hand in his left pants pocket and pulled out a thousand dollars and some other bills and handed them to Captain Hickman, who came up in the meantime. He said it was a fee that he had received from a fellow, just taken it, just paid him. He was a practicing attorney and had a license to practice law, and there was a man up in the room that he could prove it by that had heard the whole trade. I asked him who it was, and he said, "Mr. Moore." He says, "Go up there and I will prove it to you." I says, "All right, we will go up in the hotel." So we went up on the ninth floor and I asked Captain Hickman to stay outside, before we got to room 924, and I would go in and talk to Mr. Moore. So I walked in and introduced myself to Mr. Moore and some other gentleman, I forgot his name.

Mr. Calhoun: Corley?

A. Corley, yes, sir. I believe he is Freight Agent for the T. P.

Q. Did he give you a card?

A. Yes, sir, he gave me his card.

Q. Is that the card? (Counsel exhibits card to witness.)

A. Yes, sir, that is the card, or one just like it.

Mr. Simmons: We introduce the card in evidence.

(The card referred to reads as follows.)

"THE
TEXAS T AND P PACIFIC
RAILWAY.
LANE CORLEY
FREIGHT AGENT
PARIS, TEXAS."

A. I asked Mr. Moore if there had been a deal of any kind made recently in his room, that evening, where anybody was to represent somebody else for the sum of a thousand dollars, or any other sum, and he said no, not that he knew of. I says, "Well, was there any kind of a deal made in your room this evening in which a thousand dollars was involved?" "Not that I know of." I says, "Do you know Mr. Dale?" He studied a little bit and he says, "Yes, I know him." I says, "When did you see him last?" He says, "Well, I saw him yesterday evening," and he says, "I believe he was in here a while ago"; and turned to Mr. Corley and asked him if he didn't think he was in there a while ago, and Corley says, "I believe he was." "Well," I says, "You didn't hear any conversation with reference to a thousand dollars or any other sum?" He says, "No." I says, "All right." About that time Captain Hickman and Mr. Dale stepped up to the room, and then we arrested Mr. Moore and brought him out.

Q. You filed charges, did you—you and Captain Hickman?

A. Yes, sir.

Q. Did you check this money?

A. Yes, sir.

Q. When did you check it?

A. We checked it immediately after we got to the sheriff's office.

Q. Had you ever checked it before?

A. Yes, sir.

Q. Where did you check it the first time?

A. Checked it in the ranger office.

Q. Have you a record of that check?

A. Yes, sir.

Q. With you?

A. Yes, sir, I believe I have.

Q. Let's have it, please.

A. Yes, sir; that is a record of it.

(Witness hands paper to counsel.)

Q. Is that a correct statement of the numbers and denominations of the bills—

A. Yes, sir.

Q. —made by you before—

A. No, sir, it was not made by me.

Q. Well, checked by you?

A. Checked by me.

Q. Before you went to the hotel?

A. Yes, sir.

Q. And did you use this same one to check by after you took the money out of Mr. Dale's left pocket?

A. Yes, sir.

Q. Did it check the same money?

A. Uhuh.

Q. How much was it?

A. A thousand dollars.

Q. Where is the thousand dollars?

A. I've got it right here in my pocket. (Witness exhibits package of currency.)

Q. I think you had better keep it.

Mr. Simmons: We would like to introduce in evidence this statement of the currency. If there is any question about it, we can check the money against this list right now.

Mr. Shelton: We are raising no question about it.

Mr. Simmons: All right.

(The statement of the currency referred to above, is in words and figures as follows):

\$100 Federal Reserve Note, 11K,
K95345A, Check Letter A.
\$100 Federal Reserve Note, 11K,
K95350A, Check Letter B.
\$100 Federal Reserve Note, 11K,
K95343A, Check Letter C.
\$50 Federal Reserve Note, 11K,
K180747A, Check Letter C.
\$50 Federal Reserve Note, 11K,
K170575A, Check Letter C.
\$50 Federal Reserve Note, 11K,
K176175A, Check Letter C.
\$50 Federal Reserve Note, 11K,
K169597A, Check Letter A.
\$50 Federal Reserve Note, 11K,
K142066A, Check Letter B.
\$50 Federal Reserve Note, 11K,
K159396A, Check Letter D.
\$50 Federal Reserve Note, 11K,
K169440A, Check Letter D.
\$50 Federal Reserve Note, 11K,
K140461A, Check Letter A.
\$50 Federal Reserve Note, 2B,
B3649372A, Check Letter D.
\$50 Federal Reserve Note, 11K,
K181325A, Check Letter A.
\$20 Federal Reserve Note, 11K,
K5642718A, Check Letter F.
\$20 Federal Reserve Note, 11K,
K5592706A, Check Letter B.
\$20 Federal Reserve Note, 11K,
K5543357A, Check Letter A.
\$20 Federal Reserve Note, 11K,
K5622760A, Check Letter D.
\$20 Federal Reserve Note, 6F,
F14132823A, Check Letter C.
\$20 Federal Reserve Note, 12L,
L27096464A, Check Letter H.

\$20 Federal Reserve Note, 11K,
K5419229A, Check Letter A.

\$20 Federal Reserve Note, 11K,
K5419228A, Check Letter D.

\$20 Federal Reserve Note, 6F,
F12158293A, Check Letter A.

\$20 Federal Reserve Note, 11K,
K5558660A, Check Letter D.

Q. Now, Captain Hamer, Mr. Dale down by the alley on West Seventh street stated that he had made a deal in Mr. Moore's room for a fee of a thousand dollars?

A. Yes, sir.

Q. And he asked you to go to Mr. Moore's room so that Mr. Moore could explain what the transaction was, is that correct?

A. Yes, sir.

Q. Now, you have related what Mr. Moore said when you got there?

A. Yes, sir.

Q. He knew nothing about any such transaction?

A. No, sir.

Mr. Simmons: Take the witness.

Cross Examination.

Questions by Mr. Shelton:

Q. Captain, at the time you went out of the south door of the hotel on to Seventh street and saw what you said you saw and spoke to Mr. Dale, it was your intention to arrest him at that time and you did arrest him at that time?

A. It was not my intention to arrest him until the money had been delivered to him.

Q. Well, but as soon as you thought you had seen the money delivered—

A. Yes, sir.

Q. —then you arrested him?

A. Yes, sir.

Q. And whatever statements he may have made were made to you after that time?

A. After what time?

Q. After you had arrested him?

A. No, sir.

Q. After you told him you were an officer?

A. After I told him I was an officer, yes, sir.

Q. Yes, sir. And with reference to Mr. Moore, outside of what you say occurred in his room, you had not seen him up to that time?

A. No, sir.

Q. About what time of day was it, Captain, that this man Chamberlin came to the Adjutant General's office?

A. I believe—I don't know what time it was.

Q. Was it in the forenoon or in the afternoon?

A. It was in the afternoon.

Q. Afternoon?

A. I believed it was around—possibly between 5:30 and 6 o'clock.

Q. Did you ring Col. Wolters while Mr. Chamberlin was there?

A. Yes, sir.

Q. Did he make any suggestion about ringing Col. Wolters?

A. I don't remember whether he did or not. When the proposition was put up to us, why, we were as particular about being—acting—

Q. Within the law?

A. Within the law; and he might have said, "Ring General Wolters"; I don't know; I believe he did.

Q. Where did you get him? Your best judgment now is that Mr. Chamberlin suggested the ringing of General Wolters?

A. I believe he did.

Q. Where did you get him?

A. I got him at the Driskill.

Q. You talked to him first over the phone?

A. Yes, sir.

Q. And then did you later go and talk with him at the hotel?

A. Went immediately to the hotel and talked to him.

Q. Did Captain Hickman go with you?

A. Yes, sir.

Q. Did Mr. Chamberlin go with you?

A. No, sir.

Mr. Shelton: That is all, Captain.

Mr. Simmons: That is all.

(Witness excused.)

C. M. Bartholomew, having been duly sworn, testified as follows:

Direct Examination.

Questions by Mr. Simmons:

Q. What is your name?

A. C. M. Bartholomew.

Q. Where do you live, Mr. Bartholomew?

A. In Austin.

Q. How long have you lived here?

A. All my life.

Q. What is your occupation?

A. Vice-President and Cashier of Austin National Bank.

Q. I will ask you whether or not you know Mr. W. W. Chamberlin from Houston?

A. Yes, sir, I have known him several years.

Q. Did he come to your bank any time this week to see you?

A. Monday and Tuesday, I think it was, both days.

Q. Two days early this week?

A. I think it was Monday and Tuesday that he was there. Today is Thursday, isn't it?

Q. Friday.

A. Friday—well it was Tuesday and Wednesday then, I think it was.

Q. Will you just state what he came for?

A. Mr. Chamberlin came to my desk, which is, naturally in the front part of the banking institution there. Do you hear me? I've got such a cold I can scarcely hear myself. I am choked up so I can't hear or talk either one.

Mr. Shelton: We can hear you.

A. He came to my desk and made a request that we let him have a thousand dollars of a certain kind of money and asked me if I would have that money gotten out in a certain way; I think he asked for some old and some new bills, if I remember correctly, and asked that I have a record made, as a means of identification later on, of the different bills that he would get, and he asked to have four copies of that record made. I told him that I would be glad to do it. He asked me for three one hundred dollar bills, ten fifty dollar bills, and ten twenty dollar bills, making a total of a thousand dollars. I went to the head teller, as I had no money and gave him a memorandum of what I wanted, and told him I wanted all Federal Reserve notes, some new ones and some old ones, and gave him my due bill for the money, of course. He brought me that money and as I was not asked for it that day I turned it back instead of leaving it in my desk, and the next day in the forenoon, I think it was, Mr. Chamberlin came and got it.

Q. Now, did you check the money against the memorandum?

A. Yes, I had one of our employes make a record of these bills.

Q. Did you see the check that he gave to the bank, Mr. Bartholomew?

A. He gave the check to me.

Q. That (exhibiting the check to witness) has been introduced in evidence as the check.

A. Well, it has every appearance of having been the check, but I didn't put on it any identification mark. It appears to be the check.

Q. Does this Texas Optometric Association carry an account in your bank?

A. Yes, sir, have for a long time.

Q. For about what period of time—some years?

A. Oh, yes, it extends over quite a period.

Q. Does this check show whether or not it has been paid by your bank?

A. The check was canceled—paid and canceled by us on the 2nd of this month.

Q. And you delivered a thousand dollars cash on this check?

A. To Mr. Chamberlin.

Q. I will ask you if that (handing paper to witness) is the memorandum or one of the memoranda that you gave with the thousand dollars?

A. Yes, sir. I might add that when I handed Mr. Chamberlin the money and that list of bills—the descriptive list of bills, together with three carbon copies of that, I gave him the money and put it in an envelope. Mr. Ward of the Ward & Treadwell Company was present at my desk at the time, the two of them together,—Mr. Ward is the Secretary of this organization which the two represent. At the time I handed Mr. Chamberlin the money I said—I asked them the question, I says, "Now, am I going to be called on to verify this money—in other words, to identify it later?" I mistrusted there was something in the wind, I didn't know what it was, of course, had no idea. I asked them the question if I would be called on to identify this money. "Well," he says, "You may be." "Well," I says, "then as all of these lists are passing out of my hands"—in other words I gave him all the record that we had of the money. I said, "Inasmuch as all of these records are passing out of my hand if I am to make any statements in connection with it in the future I must have some way of identifying these lists." "Well," he says, "all right, put your mark on them." So I took all four of those lists—the original which was just submitted to me and the three carbon copies and put my initials, my regular identification mark, on the back of them, and that is how I recognize that list.

Q. That is this mark on this sheet?

A. Yes, sir, that is it. I always do that because I feel that if at some future time I will be called on to identify it I can do so.

Mr. Simmons: Take the witness.

Cross Examination.

Questions by Mr. Shelton:

Q. Mr. Bartholomew, do you know about what account—what amount was

carried in the account of the Association on the first day of February?

A. No, I didn't look up the account at the time because I was satisfied the check was all right, that either Mister—

Q. Mr. Bartholomew, would you, when you go back to your office, beginning about the 15th of January, have your bookkeeper make us an account of the deposits from the 15th of January up to the date—

A. The balance, as I understood, which was suggested by Mr. Chamberlin—I don't know whether Mr. Chamberlin or Mr. Ward made the statement at the time they were at my desk—of course, if I had been handling a stranger's check I would have gone and looked it up, but knowing the gentlemen as I do I knew any check they gave me would be good. But my recollection is that either Mr. Ward or Mr. Chamberlin made the statement at the time that "Our balance is around twelve, thirteen or fourteen hundred dollars, something like that"; but I hadn't looked at the account—hadn't looked at it before and haven't looked at it since the transaction.

Q. Now, Mr. Bartholomew, I want to ask you to do this for me—I know you don't know it at this time, but have your bookkeeper make a list of the deposits from about the 15th day of January.

A. Well, we can just give you a transcript of the account—a duplicate.

Q. And I want a copy of the deposit slips, showing by whom the deposits were made, if it is—

A. Well, we can give you a copy of the deposit slips. Now, the chances are, unless you can identify the writing, I guess it would be difficult to tell who made the deposits.

Q. I thought you might be able to identify them.

A. Well, they might show. I don't know what you will find on the slips.

Q. Well, knowing you to be a hand-writing expert, Mr. Bartholomew, I thought may be you would know.

A. No, I have always refused to qualify as a hand-writing expert.

Q. I know one time you qualified when I needed you pretty badly.

A. I admit that I have had twenty-seven years experience.

Q. Well, will you look this up and get this up for us? And I can come by for it.

A. Do you want to go back to the 15th of January?

Q. Well, I don't care if you go to about the 1st of February, that would be—no, take the 15th of January.

A. This Texas Optometrical or Optometric—what you call it—Association has done business with us for a long time.

Q. Well, begin with the 15th of January—since the 15th of January.

A. They have had this account with us for several years. We have loaned them money and they have had nice balances all the way along.

Q. And the checks, Mr. Bartholomew.

A. Well, we have no checks.

Q. You have returned their canceled checks?

A. The fact that they have this check is evidence to me that all of the canceled vouchers have been returned. In fact, I know—I don't know whether it was Mr. Ward or Mr. Chamberlin that came into the office yesterday, I guess it was, and wanted to get this particular check, and I sent him back to the pass-book clerk and told him to go back and get his statement and the canceled vouchers would be returned to him. So I am confident everything prior to this has also been returned, so we have no canceled checks.

Mr. Shelton: That is all, Mr. Bartholomew.

Redirect Examination.

Questions by Mr. Simmons:

Q. Mr. Bartholomew, you say for several years, off and on, they have had very good balances there?

A. Yes, they have carried an account with us for a long time.

Q. Well, twelve or thirteen hundred dollars wasn't any extraordinary amount for that account, was it?

A. I am not familiar enough with the account to answer that question. We always regarded the account as a desirable account and one we were glad to have. I know at times we have loaned the association money—considerable money.

Mr. Simmons: I think that is all.

Mr. McGregor: That is all.

(Witness excused.)

Tom R. Hickman, having been duly sworn, testified as follows:

Direct Examination.

Questions by Mr. Simmons:

Q. What is your name?

A. Tom Hickman.

Q. Where do you live, Mr. Hickman?

A. My home is at Gainesville.

Q. What is your occupation?

A. I am in the State Ranger service.

Q. You are a captain in the Ranger service?

A. Yes, sir.

Q. At this time?

A. Yes, sir.

Q. How long have you been in office?

A. Nearly eight years.

Q. Will you speak just as loud as you can?

A. All right, sir.

Q. Do you know Mr. W. W. Chamberlin—have you met him recently?

A. Yes, sir.

Q. When did you meet him this week?

A. Wednesday afternoon.

Q. Day before yesterday?

A. Yes, sir.

Q. Where was that?

A. In the Adjutant General's office.

Q. What time of day was it, Captain Hickman?

A. About—it was between 5:45 and 6 in the afternoon.

Q. You heard Captain Hamer's testimony, did you—were you here?

A. I heard a part of it, I didn't hear all of it.

Q. Well, briefly, then outline your slant on this situation—just tell it in your own way.

A. Mr. Chamberlin came in and told us that he was—I believe someone introduced us, and we went back in the ranger office and talked; he said that he was a citizen of Texas and that he wanted to lay a proposition before us pertaining to bribery in the Legislature, and he outlined the proposition to us; and then we checked some bills that he had with a couple of lists, and I believe Captain Hamer phoned to General Wolters down at the Driskill Hotel, and we left him then and went to the Driskill and talked to him.

Q. Why did you go to see General Wolters?

A. Well, we wanted a little legal advice.

Q. Was he your adviser?

A. Well, I don't have a legal adviser usually, but there was no one else available at that time that we could get hold of. The Attorney General's office was closed, I suppose.

Q. In other words, the Attorney General's office was closed and you wanted some legal advice in the matter?

A. I wanted to talk to someone I knew, some attorney that I knew.

Q. Yes, sir; you have worked with General Wolters, have you?

A. Yes, sir.

Q. In the National Guard?

A. Yes, sir; on several occasions as a ranger during martial law, when he was in charge.

Q. Yes, sir; just state what you did.

A. We went down to General Wolters' room, Room 50, at the Driskill Hotel, and talked with him awhile, and Mr. Chamberlin came down there. I believe Mr. Chamberlin left first and went over to the Stephen F. Austin Hotel, and Captain Hamer and myself went over there.

Q. About what time was it when you went over, if you recall?

A. It must have been about 6, around 6:40. I know we noticed the time just before Mr. Chamberlin left and it was 6:25; he had said he had an appointment over there at 6:15 and he was late; and we went over and went upstairs about 6:40, I suppose.

Q. Where did you go?

A. Went up on the ninth floor.

Q. What did you do there?

A. We located Room 924.

Q. Did you see anyone go in?

A. No, sir—well we did later, yes, quite a—oh, fifteen minutes later, I suppose, saw a waiter go in, he went to the door and knocked.

Q. He was bringing in the dinner, was he?

A. No, I think he was up there to get the order for the dinner, perhaps. He didn't have anything at that time and a little later he did take a dinner.

Q. Did anyone else go in besides the waiter?

A. Didn't see anyone else go in.

Q. What did you next see and do?

A. Why, the next—I was sitting down at the little bench where you wait for the elevator and Captain Hamer was waiting down the hall, and he told me they were coming out and that Mr. Chamberlin had his hat on, and they came down the hall and we moved to the end of the elevator hall and waited for them, and Mr. Chamberlin came by himself, and we heard some conversation and heard someone call Mr. Dale, and Mr. Chamberlin showed up by himself, and in just a very short time, why, Mr. Dale came to him, got there just as we caught the elevator to go down, and we went—

Q. What did you do then?

A. We went to the main floor and stood by the stairway going up to the

mezzanine floor and they came down on the next trip of the elevator, and Mr. Chamberlin said something about looking in the Coffee Shop—I didn't catch it—and Captain Hamer followed him, and I moved over and sat down and watched Mr. Dale, and when Mr. Chamberlin came back to Mr. Dale they went out of the west door, and I was just a little bit behind Captain Hamer as he stepped out of the door.

Q. Which door did you go out?

A. The west door—the south door, I mean.

Mr. Shelton: The south door.

Q. Which door?

A. The south door, yes. The side entrance. I started between the cars to go down the alley, down toward the Driskill Hotel and Mr. Hamer stopped Mr. Dale at the corner just before you step off the sidewalk into the alley, east of the entrance of the hotel, and then I turned and went back to Captain Hamer and Mr. Dale, and we searched him. He first said that—before we searched him he said that he had—I believe the first word I heard him say was that he had just accepted a fee to represent a man; he said, "There is no harm in that, is there?" We told him we guessed not, but we would like to search him, and he said, "All right," and he held his hands up and we searched him, and then Captain Hamer told him he was under arrest.

Q. Did you check the money, Captain Hickman?

A. Yes, sir.

Q. Did you check it before you went to the hotel, with a list of any kind?

A. You mean before we went to the Driskill?

Q. Yes, sir.

A. Yes, sir. I have a list of it.

Q. You have a list with you?

A. Yes, sir.

Q. Did you check it afterwards?

A. We checked it when we got to the sheriff's office.

Mr. Shelton: We will admit, just to save time, that they are identical—one is a carbon copy of the other.

Q. Is that the same list (handing paper to witness); just glance at it?

A. Yes, sir.

Q. What did you do then after you placed Mr. Dale under arrest?

A. He said there was a man upstairs in a room that heard the whole transaction; that he was a lawyer and that he had made a contract with the man to represent him for a thousand dollars.

Q. Did he say what for?

A. I don't believe he did.

Q. Did you ask?

A. Not there. I asked him later up on the ninth floor while Captain Hamer was talking to the people in the room, and he said it was a Mr. Chamberlin who was an optometrist, and I asked him what services he was going to render and he said he didn't know what—they had not—that the man had not told him what he wanted done yet.

Q. Hadn't gotten that far?

A. No, sir. And then I asked him—I said, "Are you going to do just whatever he says?" And he said, "Yes, I will do whatever he asks me to"; and about that time we went into the room then with Captain Hamer and Mr. Moore.

Q. Captain Hamer had preceded you into the room?

A. He had gone into the room and was talking to Mr. Moore while I was out in the hall with Mr. Dale.

Q. What was said in the room—did you hear anything that Mr. Moore said?

A. Well, after I got in there we told Mr. Moore that he was under arrest; before that, I think the first thing I heard him say was, "You didn't find anything on me, did you?"

Mr. Simmons: You may take the witness.

Cross Examination.

Questions by Mr. Shelton:

Q. Captain, speaking of the conversation with Colonel Wolters, do you remember whether or not Mr. Chamberlin suggested that you ring Colonel Wolters at the Driskill Hotel?

A. You mean that was before the conversation with General Wolters?

Q. Well, before—just preceding the conversation, do you remember—

A. I don't remember whether he suggested it or not. Captain Hamer did that calling and I was talking to Mr. Chamberlin at the time.

Q. Well, if Captain Hamer says he thinks he did, that is probably correct.

A. Well, I don't know whether it is or not. I was talking to Mr. Chamberlin and I did not hear him tell Captain Hamer to ring General Wolters.

Q. Did you hear the conversation over the phone between Captain Hamer and Colonel Wolters?

A. Yes, I did.

Q. The portion, of course, at your end of it?

A. Yes, sir.

Q. And from there you went directly to the Driskill Hotel?

A. We went directly to the Driskill Hotel.

Q. While at the Driskill Hotel—

A. I believe we stopped—no we went directly to the Driskill Hotel.

Q. Well, while at the Driskill Hotel with Captain Hamer and Mr. Wolters, did Mr. Chamberlin come down while you were there?

A. He came in while we were there.

Q. Did you meet Colonel Wolters in Colonel Wolters' room?

A. Yes, sir.

Q. And Mr. Chamberlin came up to the room—

A. Yes, sir.

Q. —Colonel Wolters' room?

A. Yes, sir.

Q. Was any portion of the conversation which you may have had, you and Captain Hamer and Colonel Wolters, had in the presence of Mr. Chamberlin?

A. I don't believe I said a word to General Wolters or Captain Hamer said anything to him, or he said anything to either of us while Mr. Chamberlin was in there.

Q. But so far as you know, Mr. Chamberlin came from the Adjutant General's office to Colonel Wolters' room at the hotel?

A. I don't know whether he did or not.

Q. How long had you been there when he came there?

A. About fifteen minutes—fifteen or twenty minutes, perhaps.

Mr. Shelton: That is all.

(Witness excused.)

At 6 o'clock p. m. the committee adjourned until 9 o'clock Saturday morning, February 5, 1927.

Saturday, February 5, 1927.

(The hearing was resumed at 9:40 o'clock a. m.)

The Chairman: Gentlemen, let's have order in the House. Are you ready to proceed?

Mr. Simmons: We rest our testimony at this time.

Senator McGregor: Come around, Mr. Moore. Mr. Chairman, will you swear Mr. Moore?

H. H. Moore was called as a witness in his own behalf, and being duly sworn by the Chairman, testified as follows:

Direct Examination.

Questions by Mr. Shelton:

Q. Now, Mr. Moore, in order that the committee may hear you, talk as distinctly as you can.

A. Yes, sir.

Q. What is your name?

A. H. H. Moore.

Q. Mr. Moore, what official position do you hold at this time?

A. Representative for One Hundred and Twenty-sixth District.

Q. Of what counties is that composed?

A. Delta, Hopkins and Franklin.

Q. How long have you been a member of the House of Representatives?

A. I was in the Regular Session of the Thirty-ninth. This was my second term.

Q. Did you,— Was you in attendance practically the entire session of the Thirty-ninth?

A. I was.

Q. During the Thirty-ninth Legislature, among other measures that you introduced, if any, was you interested in any manner in the introduction or the passage of any bills?

A. Yes, sir, me and Mr. Nathaniel Jacks put over the free pass law in the House. Or, helped to, you understand, and it was put over, and the Governor vetoed it, and we went back and got another bill repealing the general pass law, and it never got out of the committee at that time.

Q. Were you interested at that time in any optometry legislation.

A. Yes, sir.

Q. Interested in any legislation?

A. Yes, sir.

Q. What connection, if any, did you have with such legislation?

A. Mr. Beatty, and some other gentlemen from Waco, I recollect who, just came down and asked me if I would introduce the optometry bill. That was in the Thirty-ninth Legislature.

Q. Did you do it?

A. I did.

Q. While that bill was pending, either in the committee or on the floor of the House, if it reached the floor of the House, did you have occasion to meet Mr. Chamberlin?

A. I did.

Q. About how often did you see him to converse with him at that session?

A. Quite often.

Q. At that session of the House, what, if you know, was he doing here?

A. Lobbying.

Q. For what purpose?

A. Trying to kill this bill.

Q. Was he generally representing those people, so far as you knew?

A. Yes, sir.

Q. About how many times during the session did you have occasion to meet him?

A. Oh, I don't know, I couldn't say,

possibly eight or ten times, maybe not so much. He came repeatedly to my desk.

Q. Did you become fairly well acquainted with him?

A. I did.

Q. When you returned to this session of the Legislature, did you introduce another bill?

A. I did.

Q. With reference to those matters?

A. Yes, sir; No. 207.

Q. No. 207?

A. Yes, sir.

Q. What committee was that before?

A. Revenue and Taxation.

Q. Were you a member of the Committee on Revenue and Taxation?

A. I was not.

Q. While that bill was pending, or after it was introduced, did you meet Mr. Chamberlin again?

A. How was that?

Q. Where did you first meet him?

Senator McGregor: He didn't understand you.

The witness: What question did you ask?

Q. I say, did you meet Mr. Chamberlin after you came here this time?

A. Yes, sir.

Q. Where did you meet him?

A. He came to my seat.

Q. Did anyone introduce him to you?

A. No, sir.

Q. Did he know you, Mr. Moore?

A. He says, "Yes, sir,—I seen you two years ago."

Q. Did you have a conversation with him then—

A. I did.

Q. With reference to this?

A. Yes, sir.

Q. Had you reintroduced a bill affecting that profession?

A. At that time I had.

Q. Now, that was the bill you spoke of?

A. Two-seven.

Q. 207? What does,—in substance, what were the terms of that bill?

A. What do you mean?

Q. The provisions of the bill?

A. The provisions of the bill?

Q. That affected the people that he was representing?

A. I understand that the opticians are objecting because itinerant doctors in this bill are seeking to place a fifty-dollar tax on the optometrists, just like they have. You see, they have a tax on them, and they wanted to place a fifty-dollar tax on the opticians,—have everything equal.

Q. You had introduced that bill?

A. I had.

Q. Had you introduced that bill by request?

A. I had.

Q. Do you remember who requested you to introduce it?

A. Yes, sir, I do.

Q. Who, Mr. Moore?

A. At first Mr. Beatty and this other gentleman from,—I don't recall the names now,—from Waco, came to me and said— At first I said, "Gentlemen, I have no objection to introducing this bill, but the boys from your district, it looks to me like, ought to do it, but I am with you. So we went back and talked to Mr. Poage.

Q. Who is Mr. Poage?

A. He is a Representative from up about Waco. He says, "I am with you, but for various reasons, I would be glad if you would introduce it."

Q. And that was the reason you did introduce it?

A. Yes, sir.

Q. At the time you met Mr. Chamberlin here the first time, was that bill pending?

A. Which bill?

Q. The optometry bill?

A. 207?

Q. Yes.

A. Yes, sir.

Q. Bill 207, that is the way you call it, by number?

A. Yes, sir.

Q. You say that he came to your desk?

A. Yes, sir.

Q. Did you have a conversation with reference to it?

A. Yes, sir.

Q. About how long did he talk with you?

A. Oh, just a few minutes. He said he didn't see why I would introduce a bill at their request—he was very sorry we introduced a bill affecting optometrists.

Q. When did you next see him, if you saw him again?

A. Well, I don't know, I don't just recollect, it might have been a week. He came back and called me to the door.

Q. Mr. Moore, in order that I may not get away from the date, when you saw him the first time you saw him,—when did you see him the first time you saw him, if you can, fix it as definitely as you can.

A. Well, just a day or two; I forget just when it was the bill was introduced. It was a day or two after that bill was introduced.

Q. In the early part of the session?
A. Yes, sir.

Q. Was it this last week or week before last?

A. Week before last.

Q. At that time where were you rooming?

A. I was rooming at the Texas (Texan) hotel.

Q. What room?

A. Two eighteen.

Mr. Shelton: Have you that paper there, Mr. Dibrell, that was introduced in the evidence yesterday afternoon?

(The paper was handed to counsel.)

Q. Mr. Moore, I will ask you to look at that instrument. (Paper to witness.)

A. Yes, sir.

Q. Did you write that, Mr. Moore?

A. I did not.

Q. Is that in your handwriting?

A. It is not.

Q. Did you give that to Mr. Chamberlin?

A. I did not.

Q. I will ask you if Mr. Dale at that time occupied room 218 in the Texan hotel?

A. He did not.

Q. Who did occupy room 218?

A. I did, myself.

Q. You heard his testimony with reference to the time this was given to him?

A. Yes, sir.

Q. Now, when was the next time after he came here to your desk,—you say he called you to the door and spoke to you?

A. Yes, sir.

Q. In that conversation, do you remember what occurred between you?

A. At that time, why, he called me out there, and he says, "I am going to have,—I would be glad if you would come to a dinner at the Driskill hotel, in room, I believe, eight-seven,"—I think that is it. I said this to him, I said, "Mr. Chamberlin, I have persistently and frankly told you that I did not at no time take dinner with anyone in this capacity."

Q. You meant by that, Mr. Moore, anyone interested in legislation?

A. That is right.

Q. Did you go?

A. I did not.

Q. Then when did you next see Mr. Chamberlin?

A. The next time I seen Mr. Chamberlin was on Wednesday night when he came to my room, 924, Stephen F. Austin Hotel.

Q. About what time did he come there?

A. Somewhere around six o'clock,—I don't recollect.

Q. Was there any pending business before the Legislature in the committee room, in which you were interested that occurred that afternoon?

A. There was. I was the author of two bills,—a crude production tax, raising it from two per cent to four per cent, and I was also author of the optometry bill.

Q. And were those bills before your committee that night?

A. That night, yes.

Q. At the time Mr. Chamberlin came had you invited him to come?

A. I had not.

Q. Did you know that he was coming?

A. I did not.

Q. Did anyone come with him?

A. No, sir; I think not.

Q. Was there anyone at your room when he came?

A. Mr. Dale.

Q. About how long had Mr. Dale been there before Mr. Chamberlin came?

A. Oh, not—a very few minutes.

Q. When Mr. Chamberlin came, did he tell you what he came for?

A. No, sir; he just came,—he didn't knock on my door, he just came and opened my door and came right in, pulled off his coat, threw it on my bed,—he was about two-thirds drunk,—and said, "I want to give you a supper."

Q. What did you say to him?

A. I told him that I had a committee on hand, and it was very necessary that I go to the Capitol at once.

Q. What did he say?

A. He just turned around and picked up the receiver and ordered dinner for three.

Q. About how long before that dinner came?

A. It came immediately.

Q. Was Mr. Dale there at that time?

A. He was.

Q. Anyone else there?

A. I don't recall anyone just at this time.

Q. The dinner did come?

A. It did.

Q. Did you eat dinner there?

A. Yes, sir; I ate with him.

Q. That afternoon?

A. Yes, sir.

Q. About how long were you eating the dinner?

A. I judge about ten minutes or fifteen—not over fifteen.

Q. Was there anyone present except you, Mr. Chamberlin and Mr. Dale at the meal?

A. No, sir.

Q. Was there any discussion of any pending legislation—

A. No, sir.

Q. —while you were eating dinner?

A. No, sir.

Q. Mr. Moore, have you those letters?

Mr. Shelton: Mr. Dibrell, you have those letters that were offered in testimony?

Mr. Dibrell: No, Charley (Mr. Pickle) has them, and he has not come up yet; no, sir.

Q. Mr. Moore, you saw the letters that were offered in evidence here yesterday?

A. Yes, sir.

Q. When did you first get possession of those letters? When did they first come into your possession?

A. Oh, I judge it has been a week or a week and a half ago.

Q. Had you read both of them before you saw Mr. Chamberlin the first time, or do you know?

A. No.

Q. Had you read them both before you came to your room on this occasion?

A. Yes, sir.

Q. With reference to those letters, Mr. Moore, had you done anything with reference to those letters before you came to your room?

A. Yes, sir.

Q. What had you done with reference to consulting any other member of the House?

A. I went back here one night, I came up to the Capitol, went over there to my seat, and I believe it was Mr. Wallace—possibly Judge Sinks was present—a bunch of them called me to bring the letter over there, and I taken it over there, and they read it—read the letters.

Q. Had you made any effort to use those letters, or any arrangements to use those letters in any way before he came to your room on that day?

A. Yes, sir.

Q. What had you done—what had you planned to do?

A. I suggested to them—or they did to me, that I have the Speaker have it read before the House.

Q. Had you made any arrangements to have that done?

A. I had.

Q. When was that to be done?

A. I—that was the day, I believe it

was, or a couple of days before this committee meeting.

Q. When were they to be presented to the House to be read?

A. When?

Q. Yes, sir; when were they to be presented to be read?

A. The next morning, if I thought it would be better to keep them until after the committee met, and then read them in the committee room?

Q. And then present them in the House the following morning?

A. Afterwards.

Q. When Mr. Moore—Mr. Chamberlin came to your room during the supper, was there any discussion with reference to those letters?

A. No, sir.

Q. Were they mentioned by Mr. Chamberlin?

A. No, sir.

Q. Had he talked to you at any time before that about—

A. The letters?

Q. Yes, sir.

A. No, sir.

Q. You say you were about how long before you finished your meal at the—

A. Oh, I judge we were there fifteen minutes. Is that what you want?

Q. Yes. About that length of time. When you had finished the meal, where did— Did Mr. Chamberlin leave?

A. He got up and put his coat on and said he must leave.

Q. Did anyone leave with him?

A. Mr. Dale.

Q. After they had gone out did you see either of them again before you were arrested?

A. Yes, sir.

Q. Which one?

A. I walked—opened my door, and called Mr. Dale—I walked about a step out of the door and called him.

Q. Did he come back?

A. Yes, sir.

Q. Did you make any statement to Mr. Dale with reference to Mr. Chamberlin?

A. I did; I said, tell Mr. Chamberlin I don't want him in my room any more. If he comes in here I shall put him out.

Q. I believe you did say that he came in without an invitation.

A. He did.

Q. Just opened the door and walked in?

A. Yes, sir.

Q. Was that the extent of the conversation that you had with Mr. Dale?

A. It was.

Q. Then did Mr. Dale return in the direction of where Mr. Chamberlin was?

A. He did.

Q. Well, when was it you next—what were you preparing to do after they left?

A. I was preparing then to come to the House to the committee meeting.

Q. Was that the committee meeting on which this bill with reference to this gross production tax that you were interested in?

A. Yes, sir.

Q. And the optometry bill?

A. It was.

Q. While you were preparing to come to the committee meeting, did anyone come to your room?

A. Yes, sir.

Q. Who?

A. Corley.

Q. How do you spell it?

A. C-o-r-l-e-y.

Q. Was there anyone at your room when Mr. Corley came in?

A. No, sir.

Q. About how long had he been there before anyone else came, if anyone else did come?

A. Well, just a short time, possibly four or five minutes.

Q. Who was the next person that came to your room?

A. Mr. Hamer.

Q. Anyone with Captain Hamer?

A. No, sir.

Q. When Captain Hamer came in, if you remember—just what did he say to you at that time, Mr. Moore?

A. He asked me if I occupied that room. I told him I did, and then he asked me who the gentleman was over there, and I introduced Mr. Corley to him.

The Chairman: A little louder.

Q. Talk a little louder, Mr. Moore.

A. Mr. Corley gave him his card. Mr. Corley occupied the room with me jointly.

Q. You say you were both occupying the room?

A. Yes, sir; both of us were occupying the room, Mr. Corley and myself.

Q. Then Captain Hamer came in, and after you introduced him to Mr. Corley, what, if anything, did he say to you?

A. Well, I believe the first word was, he said, and about the only word he said,—

Judge Love: The committee wants you to talk a little louder.

A. About the only thing he said, he wanted to know if there had been a

supper in there,—he could see that, yes. He wanted to know who was in there, and I told him the best I could.

Q. Who did you tell him?

A. Who did I tell him?

Q. Had been there.

A. I told him this man Chamberlin and Mr. Dale.

Q. All right, just go ahead and detail what occurred between you, if that was all.

A. That was about all that transpired. The next thing, he said, "I guess I'll just have to take you along up to the courthouse." I said, "What have I done?" and we walked on up.

Q. When Captain Hamer came back, if you remember, was there anything said to you about Mr. Dale other than what you have said?

A. No, sir.

Q. Did you know where Mr. Dale was at that time?

A. I did not.

Q. Did you know where Mr. Chamberlin was at that time?

A. I did not.

Q. At the time Mr. Chamberlin and Mr. Dale were in your room, was there ever any mention made of any money?

A. No, sir.

Q. Mr. Moore, did any one,—Mr. Chamberlin or anyone else ever offer you any money or anything else of value to influence your vote with reference to any legislation then pending?

A. No, sir.

Q. Did you ever hear the question of money mentioned?—

A. I did not.

Q. —either between yourself and Mr. Chamberlin, or between Mr. Dale and Mr. Chamberlin?

A. I did not.

Q. If that occurred, was it out of your presence?

A. It was, if it happened.

Q. When Captain Hamer,—did you afterwards see Mr. Aldridge?

Senator McGregor: Captain Hickman, you mean.

Q. Captain Hickman.

A. I don't recollect,—I don't believe he did; he might have come there. I couldn't say.

Q. Did you later on see Captain Hickman at the sheriff's office?

A. Yes, sir.

Q. They took you to the sheriff's office and there you made bond?

Q. What is the gross production bill, Mr. Moore?

A. It seeks to raise the per cent from two per cent to four per cent on the gross production.

Q. Of what?

A. Of crude oil that comes from the wells,—oil wells of Texas.

Q. Is there any other provisions in that bill?

A. No, sir; the only thing, does not change it a particle, only raised it from two to four per cent.

Q. Mr. Moore, you were here at the previous session of the Legislature and this session; do you know who represents the oil people?

A. I do.

Q. Who?

A. Mr. Jake Wolters of Houston, Laney of Dallas,—oh, I could name quite a few of them. I will name them, too.

Q. Do you know Mr. Wolters?

A. Yes, sir.

Q. Mr. Laney?

A. Yes, sir.

Q. Is that the same Wolters that Mr. Chamberlin testified about talking to, he and Captain Hickman talking to, when they testified on yesterday?

A. Yes, sir.

Q. Do you know where he was rooming at that time?

A. I do not.

Q. Had you met him?

A. I had not.

Q. —Mr. Moore, at this session at all?

A. I had not.

Q. Mr. Moore, in order to refresh your memory, if it does refresh your memory, did Mr. Chamberlin say anything to you about whether or not he wanted these letters read, the letters you mentioned reading before the House?

A. I don't believe he did, I wouldn't be sure.

Q. Was there anything said in your presence by him about what effect it might have if those letters,—on him,—if those letters were read before the House?

A. I don't recall just what happened?

Q. About,—taking it as a whole, from the time he first came until he left,—about how long was he there?

A. Where?

Q. At your room?

A. Oh, twenty minutes.

Q. Did you say anything,—first, I will ask you if you resented his coming to your room?

A. I didn't like it.

Q. Did you say anything to him which ought to have—

A. I asked him why he came,—at whose instigation he came.

Q. Prior to that time had you refused to meet him and take lunch with him,—or dinner, or supper with him?

A. I had, repeatedly.

Q. Now, on those meetings that you have testified to,—I think some three or four,—so far as you know, were those the only meetings that you ever had with Mr. Chamberlin?

A. Which meetings do you mean?

Q. The ones—I think you said two here at the House.

A. Well, he came to my desk over there three or four times I judge, I don't know just how many times he came up and spoke to me.

Q. Did you ever meet him anywhere except here in the House and just one time at your room?

A. Out there.

Q. In any of those meetings that you had with him, was there any mention ever made to you of any money or anything else to influence your action, Mr. Moore?

A. No, sir.

Q. Mr. Moore, what is your occupation?

A. Farming.

Q. In what county?

A. Delta county.

Q. How long have you lived there?

A. Since eighty-seven.

Q. And this the second session of the Legislature?—

A. Yes, sir.

Q. —you have been in?

A. Yes, sir.

Q. Did you fill any other position in that county before you came here?

A. No, sir.

Q. You probably remember the testimony yesterday of Mr. Chamberlin, that when you first talked to him, you told him to see Mr. Dale. Do you remember what, if anything, you said to him with reference to Dale, if you mentioned Dale's name?

A. I didn't mention Mr. Dale's name. He asked me who was on the Revenue and Taxation Committee. I said, "Mr. Dale and Mr. Wallace," I judge,—two or three that I called attention to. He said that he wanted to see them.

Q. Was that the only time you ever mentioned Mr. Dale's name to him?

A. It was.

Mr. Shelton: That's all, Mr. Moore.

Cross Examination.

Questions by Mr. Simmons:

Q. Mr. Moore, when you first came to

the Legislature this time, where did you stop?

A. At the Texas (Texan) hotel.

Q. What was your room number?

A. The first night I came, I don't recollect the number; I made arrangements—

Mr. Shelton: Mr. Moore, you will have to talk louder.

A. I don't know the number of the room I stayed in that first night.

Q. Well, did you get a regular room shortly thereafter?

A. Yes, sir.

Q. What was the number of that room?

A. Two eighteen.

Q. How long did you stay in 218?

A. I don't recollect. I went over there,—let's see; Wednesday,—Tuesday, Wednesday,—stayed there at the—I paid room rent at the Stephen F. Austin four nights.

Q. And up until that time you had been at the Texan?

A. Yes, sir.

Q. Room 218?

A. Yes, sir.

Q. You checked out of the Stephen F. Austin what time?

A. Well, I don't recollect, but the record will show.

Q. Two or three nights ago?

A. Four or five nights ago,—I don't recollect.

Q. This week?

A. I don't recollect.

Q. Well, it was after Wednesday night, wasn't it? You were there.

A. Where? At the Texan hotel?

Q. No, I am talking about the Stephen F. Austin.

A. Oh, I checked out of there last night.

Q. And you were there four or five nights?

A. Yes, sir;—let's see. My bill was \$18.70,—three dollars a night with Mr. Corley. Let's see, three threes is nine,—

Q. Anyhow, it was \$18.70.

A. It cost me \$3 a night for the time I roomed with Mr. Corley, and \$7 night before last.

Q. All right. Then you were there four or five nights?

A. Well, I couldn't say; I was there as many as four nights, possibly five.

Q. And you checked out yesterday?

A. Yes, sir; last night.

Q. So you went there probably about Monday of this week,—Sunday, Monday, or Tuesday?

A. Somewhere along there, it may have been Sunday. I don't recall.

Q. So up until the first of this week you were in room 218 of the Texan hotel?

A. Absolutely.

Q. Who roomed with you at the Texan hotel?

A. No one.

Q. You were there by yourself?

A. At times there was a sheriff with me.

Q. Who?

A. A sheriff; well, he isn't a sheriff now.

Q. What is his name?

A. Hamer,—not Hamer, Brent.

Mr. Petsch: What was that name?

A. Brent. He stayed in there sometimes, slept in there; had two beds.

Q. Did Mr. Dale ever come to your room at the Texan hotel?

A. Yes, sir.

Q. Did he ever use your room for resting purposes during the daytime?

A. Oh, he would come in, just like you would,—he might if he wanted to lay down,—he would lay down and rest for a few minutes and then go.

Q. Do you know whether or not, week before last, any time, Mr. Dale was indisposed or sick and went to your room to rest?

A. No, sir; I do not.

Q. Would you say that he was not there?

A. I don't judge that he was there; if he was there he was there unbeknownst to me.

Q. You do state that you did not give any memorandum sending Mr. Chamberlin to Room 218 to see Mr. Dale?

A. I certainly did.

Q. It is a fact, however, that Mr. Dale had access to that room, isn't it?

A. Yes, he could or anyone else—any of my friends.

Q. Did you know where Mr. Dale was rooming at that time?

A. Two sixteen.

Q. The room next to yours?

A. Yes, sir.

Q. Was there a connecting door?

A. Yes, sir.

Q. And you passed from one room to the other without any trouble?

A. You could, but I kept it locked all the time—practically all the time.

Q. Why?

A. Well, I like to be private at night; I like to have my doors locked.

Q. You locked it at night?

A. Well, it may not have been all the time during the day, I locked it when—you understand this: I don't go to my room, I stay at the Capitol and eat out. I hardly ever go to my room only at night.

Q. And you locked it so Mr. Dale could not get into your room?

A. Well, I didn't say Mr. Dale, or anyone else.

Q. I am talking about the door between your room and Mr. Dale's room.

A. That's what I am talking about.

Q. Now, the first question you answered was with reference to some bills that you introduced in the last Legislature?

A. Yes, sir.

Q. You stated that you put over some bills in that Legislature? Taking my cue from Senator McGregor yesterday, on my English, what do you mean by "putting over some bills"?

A. I introduced the bills, and did my best to pass the bill, believing the Constitution of Texas, of equal rights and special privileges to none.

Q. And that is what you mean by "putting over a bill"?

A. Well, we put over the bill, and it went to the committee.

Q. You put it over the committee?

A. No, sir; it went back to the committee and they put some amendments on it, and they passed the bill.

Q. At that time you say you introduced practically the same bill on optometry?

A. Well, now, not exactly the same.

Q. What was the difference?

A. Well, there was a little difference. I don't recall the main difference. I know they cut it and placed the itinerant doctors in there and compromised—placed them on a fifty-dollar fee that goes to the State of Texas.

Q. Well, you can't remember the wording of the bill, but what were you trying to secure—legislation on optometrists?

A. I was trying to do the same thing that I am doing now.

Q. You are trying to tax all of them?

A. Yes, sir.

Q. Was there any particular reason why you wanted to tax optometrists instead of doctors and dentists?

A. They are already taxed.

Q. They are not taxed by that section?

A. Well, it may be, but the medical profession don't come under the same head.

Q. You are sure they are not referred to in your bill?

A. I am not sure, they might be, but under the law it means they are all taxed.

Q. I see.

A. You can read the bill.

Q. Yes, I have read the bill. Now, would you mind stating who introduced, or who got you to introduce this bill in the Thirty-ninth Legislature?

A. This two hundred and seven bill—no, the other one?

Q. Yes.

A. I think about the same man that I introduced this one for, Mr. Beatty.

Q. Have you ever had any dealings with optometry in your life?

A. Yes, sir; I have had them to work on my eyes, make my glasses, and they fixed it in such a way that now I can't go to my dentist up there and have him—I can't go to my jeweler up there and have him put a little screw in there—under the law they have now, I can't have them put a screw in my glass, I have to go and hunt one of them buggers.

Q. And your experience with them was such that you wanted to tax them all you could?

A. No, I wanted them put under the same rule,—same law, as optometrists and other itinerants.

Q. You understand there is a distinction made between the others, don't you—dentists and physicians?

A. Well, that doesn't—a dentist and the optometrists and an itinerant doctor are different people altogether.

Q. What is the difference in principle, Mr. Moore?

Mr. Shelton: That is entirely immaterial.

Q. All right, let's get back to who asked you to introduce this bill.

A. Mr. Beatty. I can't recall those fellows up at Waco. There was a bunch of them came.

Q. Quite a bunch came?

A. Yes, sir; another old gentleman and his two sons.

Q. Do you know his name?

A. No, sir; I don't, he was here the other day.

Q. Did you hunt them out?

A. No, sir.

Q. Did you have any particular bill on optometry at that time that you were going to introduce?

A. No, sir.

Q. Do you know of any particular reason that they could not go to their own representatives?

A. Well, I imagine the same reason that they didn't this time.

Q. What is that reason?

A. They were living over there, and there are some optometrists in that town, and I judge they just wanted to keep on friendly relations with them.

Q. And you live out on a farm, and there are no optometrists out on the farm?

A. Well, we would like to have some out there—we would like to be in a position so that we could get some work done when we need any.

Q. And you are going to tax them all so the itinerant will stay stationary as the others.

A. I want to put them all under the same law.

Q. That bill did not pass at the last time?

A. It went to the committee and was changed.

Q. Did those gentlemen last year make you any proposition or intimate any proposition of what they might do if you would see that their bill was put through?

A. No, sir; no, sir.

Q. Somebody else on the committee changed the bill?

A. They did in there, an agreement, I think; they all got together, I understand that was it.

Q. Now then, this year you came back down and you were not satisfied, you were determined that you would send this bill through the way you wanted it last year?

A. No, sir.

Q. All right. Well, what is your reason now for introducing it again?

A. Just because they came down to me and asked me if I would introduce it. I said, "Let's go and see Mr. Poage, and those boys from Waco, if they will introduce the bill." Mr. Poage said, "I would rather that you would introduce it, and proceed, at their request, and I will be with you."

Q. This was Mr. Beatty again?

A. That was Mr. Beatty again and those other gentlemen.

Q. Who was the other gentleman? What is his name?

A. Well, I can't give it to you.

Q. He has been coming down to see you—down here on your neck for two years, and you don't remember him?

A. He hardly ever comes around. They are all nice gentlemen, and not persistent.

Q. You remember Mr. Chamberlin alright?

A. I do.

Q. Very well?

A. Yes, sir.

Q. Did Mr. Beatty or anybody else intimate that it would be to your advantage to have this bill put through?

A. No.

Q. Well, what was the seven hundred and fifty dollars Mr. Dale was talking about?

A. I never heard of seven hundred and fifty dollars, nor even a dollar.

Q. You don't know anything about that?

A. No, sir.

Q. So far as you were concerned, it wasn't any of your seven hundred and fifty dollars, is that it?

A. I never heard tell of seven hundred and fifty dollars until yesterday—that is the first time I heard of any money consideration.

Q. In this chair yesterday?

A. That is it.

Q. Now, you have stated you saw Mr. Chamberlin two or three times here?

A. Yes, sir; he came to my seat over there.

Q. And you have stated that you referred him to Mr. Dale?

A. I didn't refer him to Mr. Dale.

Q. What did you say about Mr. Dale?

A. He came up and asked me who is on the committee for taxes and revenue that this bill is before, and I told him I thought Mr. Wallace, and I believe Judge Sinks, was, but I wasn't sure. I wasn't paying much attention to it. I mentioned Mr. Dale and two or three or four.

Q. Did you name the chairman of that committee?

A. The chairman of the committee was Mr. Dewey Young.

Q. Did you tell him who the chairman was?

A. Yes, sir.

Q. Did you tell him that Mr. Dale might be able to help him?

A. No, sir.

Q. Did you send him to Mr. Dale?

A. I did not.

Q. I will ask you to state whether or not on Tuesday Mr. Chamberlin came to you and invited you to have lunch with him—you and Mr. Dale?

A. He came and asked me if I would like to go.

Q. What did you say?

A. I told him I didn't participate in any banquets by no lobbyist.

Q. You thought you were going to a banquet?

A. Well, he said so; he said he wanted to go up in his room and eat dinner or lunch, have a good time.

Q. And you told him you would not go?

A. I told him frankly I would not go.

Q. But you told him you would notify Mr. Dale about it?

A. No, sir.

Q. What did you tell him?

A. He asked me to go and tell Mr. Dale that he wanted to see him.

Q. Did you do it?

A. I did.

Q. Did Mr. Dale go to see him?

A. I don't know.

Q. When did you ask Mr. Dale?

A. I don't recollect, I don't recall.

Q. Did you come right in and ask Mr. Dale?

A. Well, not then, I didn't.

Q. When was he to see Mr. Chamberlin?

A. I think at twelve o'clock.

Q. At the hotel?

A. At the Driskill hotel.

Q. He was just going down at twelve o'clock, but you did not tell him that he had been invited to dinner there?

A. I told him Mr. Chamberlin wanted to see him at twelve o'clock, or some time, just like I would tell you if a man came and asked me.

Q. Now you stated about these letters that you received a copy about a week and a half ago?

A. I judge something like that time.

Q. Who did you get it from?

A. I got this letter from Mr. Beatty and a bunch of men,—those same fellows that came from Waco.

Q. The same fellows that are trying to impose this tax on the stationary optometrists, the same ones that have been shoving this thing all the time?

A. The same people that were favorable to this bill,—that had me introduce this bill at their request.

Q. Yes, sir. Do you know whether they are the same ones, this seven hundred and fifty dollar crowd?

A. If they are the seven hundred and fifty dollar crowd, I don't know it.

Q. But they are the ones that are shoving the bill?

A. They are not shoving it hard. They just said they wanted a square deal, and that is the reason why.

Q. Now, you don't like these letters, do you, Mr. Moore?

A. Don't like these letters?

Q. Yes.

A. I didn't think they were what

ought to come before the public. I didn't think they were,—well, it showed me that we had some very unscrupulous people in Austin lobbying and they would use any means in the world to put over any legislation or defeat any legislation possible.

Q. You did not know before you saw this letter that we had any unscrupulous people around Austin?

A. Oh, yes.

Q. You had heard that, too, had you?

A. Oh, yes; we have them here all the time.

Q. So you didn't like this letter getting public,—that is your statement?

A. Getting public?

Senator McGregor: We object to that.

Mr. Simmons: I am asking the question.

Senator McGregor: You implied that it was his statement.

The Chairman: How is that?

Senator McGregor: We object to him implying that it was his statement that he did not like the statement getting public.

Mr. Simmons: I will ask that the stenographer read what he said.

Q. So you made arrangements to have it read in the Legislature?

A. I did.

Q. And it was to be read on the day before your committee meeting last week?

A. No, no, several days before.

Q. When was it to be read?

A. Several days before that,—I forget just the time.

Q. But it was not read at that time, was it?

A. It was not read at that time at the instigation of some of my friends in the House,—they thought it would be better to have it go to the committee room, and the Committee on Revenue and Taxes and then the next morning have it read in the House.

Q. Who did you give the letter to?

A. Who did I give the letter to?

Q. Yes.

A. I kept the letter and—

Q. You were going to take it yourself before the committee and read it?

A. I certainly was.

Q. But for reasons satisfactory to you, you did not go before the committee at that time?

A. Didn't go before them? You know the reason I didn't go.

Q. Why didn't you go?

A. They had me arrested and held me.
Q. I am talking about the week before?

A. I went before the committee the week before.

Q. And did what about this bill?

A. Mr. Dewey Young set this bill for public hearing on Wednesday night, it and the gas production tax. I had another bill in there, one hundred and one,—seeking to raise the commissioners' salary in Delta county from a thousand to fifteen hundred dollars, and there are some other bills in there,—more there than would take up the whole time of such a committee, and that took up the whole time of the last committee, but not at my instigation or not at my suggestion.

Q. But just because it could not be reached?

A. Just because they could not be reached.

Q. Now we come to the,—Wednesday last?

A. All right.

Q. Did you see Mr. Chamberlin that day,—Wednesday morning?

A. That was the morning that he came, I think, Wednesday. It was Wednesday, I think that was the morning that he came and called me out and asked me to go to lunch at the Driskill Hotel with him.

Q. You wouldn't go?

A. I didn't go.

Q. Mr. Dale went, didn't he?

A. I don't know whether he did or not.

Q. What did he tell you when he came back?

A. When he came back he didn't tell me nothing.

Q. You didn't know that he had been there?

A. No, sir; I didn't know that he went; he was asked over there, and I judge that he went; I don't know that he did.

Q. When did you see Mr. Chamberlin the next time that day?

A. I saw him that night about six o'clock, or six-ten, or somewhere along there.

Q. Where was that?

A. That was at my room at the Stephen F. Austin Hotel.

Q. You didn't see him here any more at the House?

A. No, sir.

Q. Who was in your room?

A. At the time he came?

Q. Yes, sir.

A. I don't recollect. There had been a few there before this. I just can't

recall who they was. It seems to me one was Senator Floyd, I don't know, there was two or three in there.

Q. Was Mr. Dale there?

A. He was not there then.

Q. When did Mr. Dale come?

A. He came in about six o'clock, I judge, somewhere along there.

Q. Was Mr. Chamberlin there when Mr. Dale came?

A. No, sir.

Q. Mr. Dale was there when Mr. Chamberlin got there?

A. Well, yes.

Q. Just a coincidence, I suppose, that Mr. Dale happened to be there already.

A. I have no idea why he came there.
Q. Just about ten or fifteen minutes before Mr. Chamberlin came there?

A. Well, it possibly might have been, or might have been thirty minutes, I didn't pay any attention to the time, I don't recall.

Q. You just thought it was an incident that they happened to drop in?

A. Well, they would drop in my room continuously,—different people, drop in my room all the time.

Q. Did anyone else drop in besides Mr. Dale and Mr. Chamberlin for the next hour and a half?

A. Hour and a half?

Q. Yes.

A. Why, sure.

Q. Who was it?

A. Mr. Corley,—yes, Mr. Hamer.

Q. Well, that was about the end of the hour and a half?

A. Wasn't there any hour and a half.

Q. All right, how long was it?

A. I judge it wasn't over twenty or twenty-five minutes, during the whole time before the supper was over,—maybe thirty minutes, or forty minutes before they arrested me, and Mr. Hamer said, "I will just take you on to the courthouse, too."

Q. Well, a while ago you said fifteen minutes. Was it forty minutes, or fifteen minutes?

A. I couldn't say. I never looked at my watch. It wasn't but a very short time,—as soon as they could eat supper and leave.

Q. All right, Mr. Dale came at six o'clock. About what time did Mr. Chamberlin come in?

A. It wasn't but a little while,—fifteen or twenty minutes.

Q. Six-fifteen?

A. I wouldn't say that was correct.

Q. Well, you were there?

A. I was.

Q. You knew that you had to go to a committee meeting?

A. Yes, sir.

Q. At what time?

A. Seven-thirty.

Q. And you were watching your watch or clock?

A. Well not particularly. I knew that I would have a few minutes.

Q. You didn't want Mr. Chamberlin up there, did you?

A. No, sir.

Q. You were on the other side of this thing?

A. Yes, sir.

Q. You didn't want any of your crowd to see Mr. Chamberlin hanging around your room?

A. I don't want,—don't like for that kind of a man to fool around my business.

Q. It is very unsatisfactory, isn't it?

A. He is just a crook is all.

Q. Well, I say it proved very unsatisfactory to have him hanging around your room, didn't it?

A. You wouldn't like to have a crook hanging around your room?

Q. Now, then, when Mr. Chamberlin came in, who was there?

A. Mr. Dale.

Q. Anybody else?

A. I think not.

Q. That is all.

A. There might have possibly been someone else. I wouldn't be sure, but when Mr. Dale came in, he was there,—I had been there some time. He stayed there some time,—I don't know, it was some time before Mr. Chamberlin came in. When he came in he just opened the door, pushed it open, pulled his coat off, and threw it on the bed. He was drunk.

Q. Drunk?

A. Yes, sir. I ought to have thrown him out the window.

Q. Well, what happened?

A. Well, he ordered supper,—he just turned around and ordered supper,—grabbed the receiver down, and said, "We are going to have supper here."

Q. What did you say about it?

A. What did I have to say?

Q. I don't know; it was your room.

A. Yes, sir.

Q. Are you in the habit of having drunks coming in and taking charge of your room, ordering dinner?

A. Well, he ordered dinner. I judge he had the dinner already fixed, because they had it in there that quick.

Q. They just rushed it right in?

A. Yes, sir.

Q. What did you have?

A. Well, let's see, I believe it was chicken, pretty good dinner,—pretty good dinner. (Laughter.)

Q. All right. Now, you had your dinner,—what did you talk about during your dinner?

A. There wasn't a thing in the world talked about.

Q. There wasn't a thing in the world talked about?

A. No, just general,—just like we was together,—but not any legislation.

Q. Nothing about this bill?

A. No, sir.

Q. Anything said about taxes?

A. No, sir.

Q. Oil business?

A. No, sir.

Q. Didn't get on that?

A. No, sir.

Q. Anything said there about Mr. Chamberlin wanting to employ some attorneys?

A. No, sir.

Q. Mr. Bonham?

A. No, sir.

Q. Nothing about that?

A. No, sir.

Q. Well, you had your chicken dinner?

A. Yes, sir; we ate a chicken dinner.

Q. And then when you left,—

A. I didn't leave.

Q. That was just a pleasant conversation, wasn't it, while you were eating your chicken dinner?

A. Why, yes, sir; just like you and me would do.

Q. All right, and then Mr. Dale and Mr. Chamberlin left?

A. Yes, sir, shortly; I think Chamberlin left and then Dale.

Q. You were feeling a little bit better by this time,—after eating your nice dinner?

A. Well, now, you know I am not a very hearty eater. I was feeling very well, though. I didn't eat half of my dinner.

Q. So, in that state of mind, when Mr. Dale left, you called him back and said, "If Chamberlin comes back here any more with those chicken dinners, I am going to throw him out of the window?"

A. No, sir. I called him back and said, "Mr. Dale, now, if,—” I said, "You tell that fellow,—”

Judge Love: Speak a little louder.

A. "Tell that man Chamberlin that I don't want him in my room any more."

Q. That is all you said?

A. Yes, sir; and walked back.

Q. What time was that?

A. Oh, I don't know,—it was along about six-thirty,—about seven o'clock, I judge,—I don't know just what time,—six-thirty,—six-forty-five,—something like that.

Q. Now, how long had they been gone when Mr. Corley came in?

A. Oh, I judge two or three minutes,—or four,—I could not say.

Q. They were probably just out of the building when Mr. Corley came in?

A. Oh, possibly they were,—or down the street. I don't know,—I don't recall.

Q. Had Mr. Corley been in there any time during this dinner?

A. During the evening, yes, sir.

Q. I mean during the dinner party.

A. No.

Q. Had he been there while Mr. Chamberlin and Mr. Dale were there?

A. I couldn't recall. He could tell you if you will get him.

Q. Now, then, how long was it before,—after Mr. Corley came that Mr. Hamer showed up?

A. I don't really know,—it wasn't very long, though. We were standing there,—I had my coat on fixing to go to the committee meeting, and Mr. Corley and I were standing there talking, and drinking ice water.

Q. When Mr. Hamer came up, what did he say?

A. He came in and says, "Who occupies this room—924?" And I says, "Myself and Mr. Corley," and I turned around and made Mr. Corley acquainted with Mr. Hamer.

Q. Had you met Mr. Hamer before?

A. No, sir; I had not.

Q. He just introduced himself?

A. Yes, sir; handed me his card.

A. And he asked you if there had been any deal there, about a thousand dollars?

A. He asked me,—no, I don't think that he asked me that.

Q. What did he ask?

A. He asked me if,—

Mr. Shelton: A little louder.

A. I say, he asked me who had been in there.

Q. What did you say?

A. I told him.

Q. Told him what?

A. Told him there had been quite a few in there.

Q. Did you name anybody?

A. Well, I judge I did. I told him that Mr. Floyd,—I judge I did and Mr.—

Q. I don't want your judgment about it,—I want the facts.

A. Well, I couldn't say for sure how many there was in there,—there was ten or twelve in my room that night.

Q. You do remember telling him, when he asked if Mr. Dale had been in there,—you told him, "Yes, I believe I saw him yesterday"?

A. Yes.

Q. You said that he had been,—

A. He had been,—I seen him yesterday, and then he was there at that time,—at that supper.

Q. That was a little later on when he asked you if you did not?

A. Yes.

Q. Why was it so difficult for you to remember that Mr. Dale had been there later on before—the day before?

A. Where, my room?

Q. Yes, sir.

A. Or a different room? You mean he was not in my room the day before?

Q. I don't know whether he was in your room.

A. I couldn't say that he was.

Q. You told Mr. Hamer you had seen him the day before in your room, or if you had seen him at all?

A. Well, I could have seen him up there.

Q. I am asking you what you told Mr. Hamer?

A. Well, I told Mr. Hamer that I had seen Mr. Dale—that I had seen him—

Q. That you had seen him the day before?

A. Yes, if you want to put it your way.

Q. Not what I want.

A. That is a fact, I have seen him—

Q. What did you tell Mr. Hamer?

A. I told Mr. Hamer I wanted to know what this was all about.

Q. What did you tell Mr. Hamer about having seen Mr. Dale the day before?

A. What did I tell him?

Q. Yes.

A. I told him I had seen him—that's all.

Q. Seen him where?

A. In the Capitol.

Q. During this session of the Legislature?

A. Yes, sir; and I had seen him down at the hotel where we ate dinner.

Q. Well, it had been about fifteen minutes since he had left your room?

A. Who?

Q. Mr. Dale.

A. I don't know how long it had been.

Q. It had been so long that you had forgotten that he had been there the day before?

A. Oh, no, sir.

Q. What is your present reason, since thinking it over, that you denied to Mr. Hamer that Mr. Dale had been there?

A. Mr. Hamer didn't ask me that question.

Q. He did not ask you if Mr. Dale had been there?

A. He asked me who occupied that room, and I told him that Mr. Corley and I did jointly, and he says, "I will just take you on to the courthouse," and we went to the courthouse, and that is all the excuse that he gave me; he just said, "I will take you along, too."

Q. Did you turn to Mr. Corley and say, "I saw Mr. Dale yesterday, I believe"?

A. Mr. Corley, no, I didn't.

Q. You didn't say that?

A. No, sir.

Q. And then you didn't turn to Mr. Corley again and say, "He was in here a little while this afternoon"?

A. No.

Q. Didn't say that?

A. No.

Q. And Mr. Corley, did he say, "Yes, I believe he was—a little while"?

A. No, I don't think, I don't recall. Mr. Corley will be the best evidence for you.

Q. You were there?

A. Yes, sir; I was, but I don't recall that.

Q. You heard Mr. Hamer's statement?

A. Yes, sir; I did, yesterday afternoon.

Q. That was correct.

Mr. Shelton: One minute. This record speaks for itself. Captain Hamer never testified that this man denied that Mr. Dale had been there.

Mr. Simmons: Well, that is a question we cannot agree on.

Mr. Shelton: Well, I would like to have the record read.

Mr. Simmons: At the proper time, they will read it.

Mr. Shelton: Well, we have some rights as well as the Attorney General in this committee. If the committee has any doubt about it, we would like to have the testimony of Captain Hamer read. At least, so long as I am practicing law, it makes no difference whether a man comes from the Attorney

General's Department or where he comes from, I will attempt to protect my rights and the rights of my client before any court or any committee that I may be seeking to try cases before.

Mr. Simmons: If there is any question about the testimony, we will recall Captain Hamer.

Senator McGregor: The record has been taken. Not what he will testify to, but what he has testified to.

Mr. Simmons: We will pass it for the present. We will concede it for a minute. I think that's all.

Redirect Examination.

Questions by Mr. Shelton:

Q. Mr. Moore, I forgot to ask you a moment ago. You heard the testimony yesterday of Mr. Chamberlin in which he stated that you wrote a letter?

A. Yes, sir.

Q. And gave it to Mr. Dale?

A. Yes, sir.

Q. To be given to somebody on a committee?

A. Yes, sir; I heard that.

Q. Did you do that, Mr. Moore?

A. I did not.

Q. Was any such letter ever written by you?

A. No, sir; not even thought of.

Q. Mr. Dale was your friend, was he not?

A. Yes, sir.

Q. And is yet?

A. Yes.

Q. Now, you spoke about talking to some members in the House with reference to having the Chamberlin letter and the other correspondence from that association read before the House. Who were the members you spoke to, if you remember?

A. Mr. Wallace, and Judge Sinks was present when I read it. I was sitting over there, you understand, at my desk. I unlocked my desk and we all sat down there, four or five or six of us, all together, and they read the letter themselves, one or two, I don't know, but they were all there. I walked back and got it and they were having a jovial time over it.

Q. Now, Mr. Moore, Mr. Simmons asked you a moment ago with reference to these men at whose request you introduced the bill?

A. Yes, sir.

Q. Did any of those men ever at any time make any improper offers to you?

A. They did not.

Q. Do you know what Mr. Dale's

position was with reference to this bill—has he said?

A. Yes, sir; he was opposed to it.

Q. Had you discussed the matter with him?

A. Yes.

Mr. Shelton: I think that's all, Judge Sinks.

Recross Examination.

Questions by Mr. Simmons:

Q. Mr. Moore, as I understand your testimony, at the room Mr. Hamer just stepped in and asked who occupied the room?

A. Yes, sir.

Q. And then stated that he would have to ask you to go with him up to the courthouse?

A. Yes, sir.

Q. That's all that happened?

A. Oh, well, he had not made himself acquainted with Mr. Corley. Mr. Corley handed him his card.

Q. I understand that. That's all that you recall?

A. Well, if there is anything else happened I don't remember it. He just stepped in and said, "You come along, too," and I asked him what I had done.

Mr. Simmons: That's all.

Redirect Examination.

Questions by Mr. Shelton:

Q. You are not attempting to detail every word of the conversation that occurred?

A. Oh, no; no.

Mr. Shelton: That's all.

Recross Examination.

Questions by Mr. Simmons:

Q. Well, please detail it—just detail every word of it.

A. Well, I don't suppose I could.

Q. Well, your best recollection about every word of it.

A. Of the conversation?

Q. Yes, just—Mr. Hamer opened the door and "Let's go"?

A. There might have something else transpired. Mr. Hamer was there, he walked in and said, "Who occupies this room?" I said, "No. 924? Myself and Mr. Corley." Mr. Corley just turned around, we were drinking some water and I was getting ready to go to the Capitol right then; Mr. Corley turned around, and I said, "This is Mr. Corley." I didn't know Mr. Hamer, I didn't know who Mr. Hamer was, I didn't know his name, and Mr. Corley gave him his card, which you offered

here yesterday, and Mr. Hamer shook hands with him, and he said, "Well, I'll just take you along, too."

Mr. Simmons: That's all.

The Chairman: Now, some members of the committee want to ask some questions.

Questions by Mr. Rawlins:

Q. Mr. Moore, can you tell me as nearly as possible what time it was when Mr. Chamberlin came to your room last Wednesday night?

A. Some time after six o'clock, I don't know, I can't recall just what time it was, but it was some time after six o'clock.

Q. Was it nearer six than six-thirty?

A. Well, it wasn't—I judge it was shortly after six. Now, I can't just tell—I didn't look at my watch.

Q. And you have testified that when he came he took off his coat and threw it on the bed?

A. Yes, sir; and grabbed up the receiver.

Q. You say he was about two-thirds drunk?

A. Yes, he was shot.

Q. Now, just what condition was he in?

A. Well, he was pretty serene.

Q. Well, was he staggering?

A. Well, no; I would not say that he was. I know he would light a cigar and it would burn him.

Q. How?

A. He would light a cigar and it would flash up and burn his mouth and he would try to blow it out.

Q. Well, did he talk like a drunk man?

A. Well, I have never seen very many drunk men.

Q. Well, did he talk thick?

A. Yes, sir; considerable.

Q. What else did he do that indicated to you that he was two-thirds drunk?

A. Well, just to think a man would run into your room just like that, just come in without any invitation, throw open the door and come in and throw off his coat and grab hold of the receiver and say, "I am going to have a dinner here."

Q. Well, did you smell anything on his breath?

A. No, sir—well, I didn't get close enough to him.

Q. You didn't get close enough to him during the time?

A. No.

Q. Now, how long did he stay there?

A. I would judge—I would say twenty minutes.

Q. Twenty minutes?

A. I would say approximately twenty minutes, maybe a little longer.

Q. Did he drink any while he was there?

A. No, sir.

Q. What was his condition when he left there?

A. Well, about the same as when he came.

Q. He was still drunk?

A. Well, you could see that he had had some whisky.

Q. When he left there?

A. Yes, sir.

Q. Well, was he as drunk when he left as when he came?

A. Well, the supper may have sobered him up just a little, I don't know.

Q. Well, what was his condition—did he stagger then?

A. No, he could walk pretty straight; he walked out of the door, he and Mr. Dale—Mr. Dale followed him shortly afterwards.

Q. Well, was he in a conversational mood?

A. Yes, he could talk.

Q. Did he talk lots or not?

A. Oh, well, right smart.

Q. Do you think his condition was such that most anybody might have noticed that he was drunk?

A. Oh, yes, you could have noticed that he was drinking.

Q. Mighty nearly anybody would have known it. When he came in, was his condition such that most anybody could tell it?

A. Well, I didn't pay much attention. He just shoved the door open and came in. I don't know what I was doing. We had two beds in the room, it's a big room. He came in and opened the door and threw his coat on the bed and grabbed the receiver and he said, "I am going to have supper." I suppose he had the supper already fixed outside when he came in. I didn't know he was going to force himself in.

Q. Well, most anybody could have seen he was drunk when he came in?

A. Well, yes, you could have told he was drinking considerable.

Q. Now, another question, Mr. Moore.

A. Yes, sir.

Q. With whom did you make arrangements—

A. How is that?

Q. With whom did you make ar-

rangements to have that letter read before the House?

A. I don't know. You might ask the Chairman there. Mr. Wallace was back there, of Freestone, and I don't know who all was there, Mr. Rawlins, and they suggested that I do have it read, like in the morning, that was tonight, now, in the morning, and I said, "Now, let's have it before the committee," and we was going before that committee, you know, before Wednesday night. I forget the first one, when that was, when they was talking up those bills that I spoke of—101, raising the salaries of the commissioners in Delta county from a thousand to fifteen hundred dollars, and they had other bills, and we expected to read it then, but Mr. Dewey Young said he would just have open discussion. There was quite a lot of men wanted to come here to discuss and oppose the crude production tax and also the optometry bill, and he would just have an open meeting Wednesday night, and then we agreed, or I suggested that we just keep that until Wednesday night.

Q. Now, here is my question.

A. Well?

Q. I understood you to testify that you made arrangement to have this letter read before the House?

A. We figured on it, and then we thought, Mr. Rawlins, that it would be best to have it before the committee.

Q. Well, didn't you testify you had made arrangements to have it read in the House?

A. I had a resolution and had marked it and was going to do that, and we figured it would be best to wait and go before the committee with it.

Q. Now, who did you make the arrangements with?

A. I talked with the boys back there.

Q. Did you talk with the Chief Clerk or the Reading Clerk?

A. No, I don't think so.

Q. Or the Speaker?

A. No, sir; I don't think so. I should have, but didn't.

Q. Who do you ordinarily make those arrangements with?

A. Well, if I had sent it up there, the resolution, of course, they would have considered it.

Q. Now, another question. At whose instance did you introduce the four per cent tax on gross oil production?

A. Well, I'll make this statement: I was in New Boston early this fall, talking to Mr. Bob Hubbard, and he suggested that there was going—wanted a

bill introduced down here raising the crude production tax to take care of the schools, also that they wanted about two cents on gasoline to take care of the highways, and I did it at the investigation—at the time I talked to him I said, "Well, I'll introduce that bill."

Q. Who is Bob Hubbard?

A. Bob Hubbard was at one time chairman of the Highway Commission.

Q. Did you write the bill yourself, or who wrote it?

A. Did I write the bill myself? No, I just had them to re-write the bill and change it from two to four per cent.

Q. Who wrote it for you?

A. I don't know who wrote it—some of these girls.

Q. I mean did anybody assist you?

A. No, there wasn't any need of anybody assisting—just raised it two per cent, is all.

Q. Was Mr. Hubbard the only man you talked with about it?

A. No, I talked with quite a lot of people all over Texas.

Q. Who?

A. Well, I couldn't call their names, but that had been discussed everywhere. They thought it would be better to raise the crude production to four per cent and the gasoline to two and let the two go to the highway and let the schools be taken care of by the crude production tax.

Q. Who else did you talk with?

A. Oh, I don't know who all. Mr. Rawlins. Everybody in our country was in favor of it—ninety-five per cent of the people up there were in favor of it.

Q. Can you remember anybody else?

A. No, sir; just talked to men generally. Well, there was a man present there, I don't remember his name, that worked in here about two years ago—let's see, in the Thirty-ninth Legislature, from over there; he was present, and I don't know how many was present over there. I was down there on some business and they called me over there.

Q. One other question, Mr. Moore.

A. Yes, sir.

Q. How did you and Mr. Dale come to have adjoining rooms at the Texan Hotel?

A. How did we? Well, sir, I rented the whole room, and then—at first, thinking my wife was coming down and we would have that apartment, and it was decided that we would not, she couldn't leave home on account of the boys going to school, and I taken that room and finally Mr. Dale said, "How

about me"—he had a room upstairs; he said, "How about letting me have that other room down there?" I said, "Well, if you want it you can have it by going down and taking it off my room rent," so he taken 216 and I kept 218, with two beds.

Mr. Rawlins: That's all.

The Chairman: Any other members want to ask him anything?

Mr. Petsch: Yes, sir; I want to ask some questions.

Questions by Mr. Petsch:

Q. I just didn't get your testimony on when you left the Texan Hotel to go over to the Driskill—to the Stephen F. Austin.

A. Mr. Petsch, I can't tell you just exactly the time, but the records down there will show you better than anything else. I don't recall.

Q. You said you paid your bill here?

A. Last night—I paid my bill last night, eighteen dollars and seventy cents, at the Texan Hotel. I was at that time in room nine—no, 629. My wife came and we went over in the other room, as Mr. Corley was there.

Q. Well, it was about Monday or Tuesday of this week when you came from the Texan Hotel to the Stephen F. Austin?

A. I can't recall, Mr. Petsch. The records will show. It might have been three or four days. I judge I stayed four nights in the Texan—the Stephen—

Mr. McGregor: You mean the Austin?

A. The Austin, yes, sir.

Q. You stayed in the Stephen F. Austin three or four nights this week?

A. I think it was four.

Q. Now, why did you move from the Texan Hotel to the Stephen F. Austin Hotel?

A. Well, I moved over there because I wanted to get a room that I liked better and more privacy—in other words, I like the Stephen F. Austin's accommodations very much, and I had an opportunity to go over there and pay half of the room rent and stay in a room until my wife should come and it wouldn't cost me so much money.

Q. Well, didn't you just say you wanted to go over there to be more private?

A. No, I didn't mean I wanted—

Q. Wait just a minute. Didn't you say you wanted to go over to the Stephen F. Austin Hotel to be more private than you were at the Texan?

A. Well, I—

Q. And you just turned around and

said you rented the room in connection with somebody else?

A. Well, in other words, Mr. Corley is a very fine man and I thought it would be very nice to be in there with him until my wife came and then we would take another room; she would be here just a few days, and then I would go back with him, that was all.

Q. Well, as long as Mr. Corley was occupying the room with you at the Stephen F. Austin it was not as private as at the Texan Hotel by yourself?

A. Yes, it was just as private as it could be, as far as I was concerned. He was a very nice, quiet gentleman.

Q. Yes. Now, you said a while ago that your reason for introducing this optometry bill was because you wanted all optometrists to pay the same tax that physicians and dentists pay?

A. Itinerant doctors are paying fifty dollars a year, Mr. Petsch.

Q. Yes, sir.

A. And other fellows, optometrists, are paying about one dollar a year fees.

Q. Yes, sir.

A. And I didn't think it was just, and still don't think it is just; I think they ought to pay just the same as the other men.

Q. Yes, sir; but you were saying a while ago that the occupation tax at this time made dentists and physicians pay an occupation tax.

A. This is—Mr. Petsch, this is altogether different. It calls for it in the bill; if you will read there you will see what is exempt, what it is talking about.

Q. I understand. I am not asking about the bill. I was just wondering whether you were guessing at what the law is or whether you actually knew.

A. Well, I don't know particularly what the law is applying to physicians, but I do know what applies to itinerant optometrists.

Q. Well, I will just read you a sentence of it.

A. All right.

Q. Article 7047 says: "There shall be levied and collected from every person, firm or corporation hereinafter named the following occupation taxes," and Section 3 of that article says: "From every itinerant physician, surgeon and oculist, the sum of—an annual tax of fifty dollars." So it is only the itinerant physician, oculist and dentist that had to pay this tax, and not the regular physician, dentist or optometrist?

A. No, the regular one don't pay.

Q. The stationary ones. Only the itinerant ones?

A. I understand that this applies to the traveling ones—that you might have an office in Waco and might have one here and other places around and would be there at certain times—yes, I understand that.

Mr. Petsch: That's all.

Redirect Examination.

Questions by Mr. Shelton:

Q. Oh, Mr. Moore, you say at the time of that dinner no one was there in the room except you and Mr. Dale and—

A. Chamberlin.

Q. And Mr. Chamberlin?

A. No, sir.

Q. Were your doors closed?

A. Well, I would not say they were.

Q. Well, at least you three were there by yourselves?

A. Yes, sir.

Q. For the length of time, for the fifteen or twenty minutes?

A. Well, the negro was in there most of the time—the waiter.

Mr. Shelton: That's all.

Recross Examination.

Questions by Mr. Calhoun:

Q. Just one question. Where are you staying now?

A. Me and my wife have an apartment right across here just on the other side of the first hotel.

Q. When did your wife come?

A. She came night before last.

Q. How long is she going to be here?

A. Oh, I judge she is going to be here, if she wants to, the rest of the session.

Q. Has she said how long she is going to be here yet?

A. No, that's her business.

Q. Didn't you state that when you got the room at the Stephen F. Austin with Mr. Corley you intended to get another room there for your wife when she came?

A. Yes, but I got this for four dollars a week, when the other was seven dollars a night.

Q. Well, why did you go over there when it was more expensive?

A. It wasn't so expensive when Mr. Corley was there.

Q. Don't you know you just wanted to get away from your room in the Texan Hotel where you and Mr. Dale had been jointly?

A. No, sir.

Q. And go up to the Stephen F. Austin Hotel just for this transaction?

A. No, sir.
Q. And then when it was completed you would move out?

A. No, sir.

Q. And then you would have no further use for the Stephen F. Austin?

A. No, sir, it is not.

Q. What did you pay for your room over at the Texan Hotel?

A. Three dollars and—I forget; a little over three dollars. Both rooms cost five and a half. Get my bill. I don't remember. I would go down and give them a check for the whole amount.

Q. Well, can you approximate what it was by the day?

A. No, sir.

Q. Were both rooms on your bill?

A. No.

Q. Well, what was your room rent?

A. Mine? Let's see. I think the other room was two dollars. That would be three dollars and six bits.

Q. Three dollars and six bits for your room?

A. Or three dollars and a half, maybe three and a half. I forget just the amount. It cost five and a half for both rooms.

Q. What was the difference in the rooms?

A. Well, one had a bath and two beds and very nicely fixed, and the other was a little bitty, narrow room.

Q. Well, did Mr. Dale use your bath?

A. Well, I would not say whether he did or not.

Q. Don't you know he stayed there with you practically all the time, Mr. Moore?

A. No.

Q. Well, what did you pay for your part of the room down at the Stephen F. Austin Hotel?

A. Three dollars.

Q. Three dollars?

A. That's right.

Q. You were getting your room with Mr. Corley just a little cheaper down there?

A. That's the idea.

Q. Than you were at the Texan Hotel?

A. That's right, yes.

Q. You testified a while ago that you kept your room locked all the time, didn't you?

A. I locked it and would take my key and pitch it down on the desk when I left there.

Q. That was at the Texan Hotel?

A. Yes, and the other one, too.

Q. Did you lock Mr. Dale out?

A. Why, yes, he could not get into

218; he would have to go to 216. He had a key, I guess, for his own room.

Q. It is not true that he just used that room jointly with you?

A. He never used that room jointly with me.

Q. I say, that is not true, that he did?

A. No.

Mr. Calhoun: That's all.

The Chairman: Any other questions?

Mr. Petsch: Yes, I want to ask another question.

Questions by Mr. Petsch:

Q. When Mr. Dale left with Mr. Chamberlin after supper, he was going to the committee meeting, wasn't it?

A. I don't know, Mr. Petsch. I could not tell you whether they were or not. They both went out. I judge both of them were, Mr. Petsch.

Q. You were on that committee, weren't you?

A. I was. I had two bills there that night.

Q. Yes, sir; and you just testified a while ago that you wanted to go up to that hearing?

A. Yes, sir.

Q. And you knew that Mr. Dale was going?

A. No, I didn't know that Mr. Dale was going.

Q. Didn't you have every reason to believe that he was going?

A. I didn't know he was going; I judged that he would, as he was on that committee.

Q. Well, it was past the time for the committee to begin to meet, wasn't it?

A. Oh, no.

Q. Well, it was along about seven-thirty, wasn't it?

A. Seven o'clock, I judge.

Q. It might have been just about the time for the committee to meet, wasn't it?

A. No, I hardly think so, Mr. Petsch.

Q. Well, it is a fact, though, isn't it, that you made no effort to go to the committee meeting at all prior to the time that Mr. Hamer came in and arrested you?

A. I had plenty of time.

Q. Well, I didn't ask you that question.

A. Yes, I had made arrangements—I was fixing to go.

Q. You say you were just fixing to go?

A. Yes, sir. Just as soon as supper was over I reached over and got my coat and was talking to Mr. Corley—

Q. How is that? Go ahead.

A. I say just as soon as they left, this Doctor Chamberlin had gone down and Mr. Dale had left, I reached over and got my coat, I think it was, and put it on, possibly, if I didn't have it on, and we went over and took a cold drink of ice water. We talked a few minutes and I said, "I am going to the committee meeting," and just about that time in came Mr. Hamer, and of course, I could not go then; and then I want to say this much: I asked him to let me make my bond and let me go on. I made a hundred and fifty thousand dollar bond up there, it was worth that, but they didn't accept it; they just held me there, gentlemen, for some reason unknown to me.

Q. Held you where?

A. At the clerk's office—at the sheriff's office.

Q. At the sheriff's office?

A. Yes, sir. I had a hundred and fifty or two hundred thousand dollar bond made and told them I wanted to go; I had plenty of time to go then.

Q. Now, you remember the time you called Mr. Dale back and told him to tell Mr. Chamberlin you didn't want him in your room any more?

A. I recollect that, too.

Q. All right. You don't appear to be particularly scared of Mr. Chamberlin. Why didn't you just tell him yourself—what did you want Dale to tell him for?

A. Well, I told him that because I didn't want—you know how you feel over such a matter, and the next time he came, if he did, I would pitch him out of the window if I could.

Q. You could have told him in a nice way, "Mr. Chamberlin, you better wait until I invite you to come back to this room"?

A. I had told him repeatedly I would not go to his room, and he forced himself on me. I ought to have thrown him out of the window.

Q. Why did you tell him repeatedly you didn't want to go to his room with him?

A. He insisted on my going over and having dinner with him at the Driskill Hotel, and insisted and insisted, and I told him I would not go.

Q. You just wouldn't do that. Now, I will go back to the matter another way.

A. Yes, sir.

Q. Well, it was at least ten minutes from the time that Dale and Chamberlin

left up to the time that Captain Hamer came into your room?

A. I don't know just how long it was.

Q. Well, isn't that your best judgment?

A. Oh, fifteen or twenty minutes, something like that.

Q. You said fifteen or twenty minutes.

A. I don't know just how long.

Q. Well, I am asking you for your best judgment on the proposition.

A. Yes, about fifteen or twenty minutes.

Q. That would be your best judgment?

A. That would be my best judgment.

Q. Well, it was at least ten minutes?

A. Well, it was longer than that, Mr. Petsch.

Q. Well, along about fifteen or twenty minutes?

A. Yes, sir, something like that.

Q. All right. And you were still just thinking about going to the committee?

A. Oh, no, no.

Q. At the time Hamer got there?

A. No, I was standing up there ready to go when he walked in; I was standing up ready to go when he opened the door—fixing to go.

Q. Now, when Captain Hamer asked you when was the last time you had seen Mr. Dale why didn't you speak up and say, "He just left my room"?

A. Why didn't I speak up and say—

Q. You knew that was true, didn't you?

A. Yes, sir; he had been there.

Q. Then why didn't you tell Captain Hamer, "Why, he just left my room"?

A. Well, I don't know. I told him that he had—

Q. You can't account for that, can you?

A. Yes.

Q. Well, how do you account for it?

A. Well, thinking a man would come in on me like that and make these statements that he was going to take me right then.

Q. Well, now, Mr. Moore, Mr. Hamer didn't make any statement about taking you right on?

A. Yes.

Q. Taking you right on before asking you if you had seen—when you had seen Mr. Dale last?

A. The question he asked me was this—

Q. Well, you understood my question, didn't you?

A. Yes.

Q. Mr. Hamer didn't come right in there and say, "I want to take you to the courthouse" or "consider yourself under arrest"—that wasn't the first thing he said, was it?

A. He asked me whose room it was. Mr. Petsch.

Q. How is that?

A. He asked me whose room it was, and I told him it was mine; he asked me who stayed in it, and I told him Mr. Corley.

Q. Then isn't it true that he asked you when you had seen Mr. Dale last?

A. I believe I asked him what he was doing in there; I did that.

Q. Well, didn't he ask you before that time when had you seen Mr. Dale last?

A. Possibly he did.

Q. Then, why didn't you tell him, "Why, he just walked out of this room a few minutes ago"?

A. Well, I judge I did.

Q. Well, did you tell him?

A. I don't recollect whether I did or not.

Q. Well, you heard Mr. Hamer testify yesterday?

A. Yes, sir.

Q. That you didn't know, but you told him that you saw him yesterday and turned around and said to Mr. Corley, "I believe he was here a few minutes ago, wasn't he, Mr. Corley"?

A. Well, Mr. Petsch, to make it plain to you, Mr. Dale was there and he knew he was there and I knew he was there, and I am sure I told Mr. Hamer that he was there, and I am sure that I told him Mr. Dale was in the House and I had seen him every day this week.

Q. Mr. Moore, it is not an issue as to whether you told Mr. Hamer, but the issue is under what circumstances and in what manner did you tell Mr. Hamer that Mr. Dale had been there; that is the issue.

A. Uhuh.

Q. And that is what I am trying to find out.

A. Now, what do you want?

Q. Wait a second. You remember that Mr. Hamer testified to the effect that he came in there and asked you when you had seen Mr. Dale and that he testified—you remember that he testified that you told him that you saw him the day before, and that he further testified that you said, "I believe he was here a few minutes ago, wasn't he, Mr. Corley?" Now, why didn't you tell Mr. Hamer right away?

A. Well, I think—

Q. Wait a minute. Why didn't you tell Mr. Hamer right away. "Why, Mr. Dale was here just a few minutes ago"?

A. Well, I judge I did, Mr. Petsch.

Q. You judge you did?

A. Yes, sir. I see no reason why I should not.

Q. Well, I don't, either—that's what we were trying to find out.

A. Yes.

Mr. Petsch: I believe that's all.

The Chairman: Any further questions by either side, gentlemen?

Mr. Simmons: That's all.

Mr. Shelton: That's all.

The Witness: Anybody else want to ask me a question?

The Chairman: Stand aside.

(Recess.)

Mr. McGregor: We wish to ask the Chairman, Judge E. R. Sinks, a question. We waive the oath, your honor.

The Chairman: All right.

Judge E. R. Sinks, without being sworn, testified as follows:

Direct Examination.

Questions by Mr. McGregor:

Q. Judge, you are a member of the House?

A. Yes, sir.

Q. You know Mr. Moore—H. H. Moore?

A. Yes, sir.

Q. Prior to Wednesday night of this week did you in company with other members of the House discuss with him this letter or these letters that have been introduced in evidence?

A. Yes, sir; there was somebody—there was a bunch of fellows came over there to my desk—I was sitting back there, and they came over there with this letter, and they were all reading it and laughing about it a good deal, and someone suggested, "Why, it ought to be read to the House," and somebody else suggested—I don't know which one of the members or who it was that suggested it, that "No," he said, "No, don't read it to the House, just save it and read it in the committee; they can hear it in the committee."

Q. It was the letter that was under discussion?

A. Yes, sir.

Q. And that was before these arrests?

A. Yes, sir.

Q. Mr. Moore was the man that had the letter and was discussing it?

A. Yes, sir; that is my recollection;

Mr. Moore was there; there was quite a little bunch of fellows over there; I think Mr. Wallace was over there, I feel sure he was. They came over to my desk to show it to me; that's about all there was to it.

Mr. McGregor: That is all.

F. A. Dale, having been duly sworn, testified as follows:

Direct Examination.

Questions by Mr. Shelton:

Q. What is your name?

A. F. A. Dale.

Q. Mr. Dale, you are a member of the House?

A. Yes, sir.

Q. From what legislative district?

A. From District 41.

The Chairman: Speak out loud, so they can all hear.

Q. What counties compose the Forty-first District?

A. Fannin county only.

Q. How long, Mr. Dale, have you been a member of the House of Representatives?

A. I was a member of the Thirty-ninth.

Q. That was the last session?

A. Yes, sir.

Q. And are a member of this session?

A. Yes, sir.

Q. Mr. Dale, you know what this investigation is about. Do you know Mr. Chamberlin?

A. I have met Mr. Chamberlin for the first time during this session.

Q. You did not meet him at the last session?

A. No, sir.

Q. When was the first time, Mr. Dale, that you met him, if you know—about the time, and where?

A. About two weeks ago.

Q. Where?

A. Well, he either came to my desk or I was called out, I don't remember which, and he introduced himself to me here in the House—here at the House.

Q. Did he tell you what measures, if any, he was interested in, Mr. Dale?

A. No, sir; not at that time.

Q. When was the first time—well, if you can, just give the committee the benefit of your conversation which you had with him at that time.

A. Well, he told me that he wished to talk with me about some matters, and I told him that the House was in session at that time and I did not have time, and he asked me where I ate, and I told him I usually took my meals at

the Texan Cafeteria, and he says, "How about my coming down and eating supper with you tonight?" I said it would be all right, provided that I was not hindered by it, and told him I thought perhaps I would be there, I didn't know of any reason why I would not eat at that place that night, and that if he wished to talk to me that he might come over there about seven o'clock.

Q. Now, when was that, Mr. Dale, in order that I may get it in my mind, about when was it?

A. You know, I think it was some time last week.

Q. Well—

A. You know, didn't think anything of the matter at the time, but I think it was some time last week.

Q. Now, do you know whether or not—

A. I don't remember what day.

Q. Do you know whether or not he did come to the Texan Hotel?

A. Yes, he came. I went down to the cafeteria about seven o'clock and he walked in at the door while I was standing there talking to someone.

Q. Do you remember who you was talking to, Mr. Dale?

A. It was a friend of mine from Fannin county, Mr. Brent, an ex-sheriff; he was down here looking for a position at that time, and so he came in and I excused myself from Mr. Brent and we went over about the middle of the cafeteria and sat down.

Q. Well, now, the cafeteria of the Austin—what hotel is it?

A. The Texan Hotel.

Q. The Texan Hotel, where is that located?

A. That's located down here—

Q. On West Seventh Street?

A. On West Seventh Street, just about a block off of Congress Avenue.

Q. Is the cafeteria all in one room?

A. Yes, sir.

Q. About how were the tables and everything arranged in the room, with reference to each other?

A. The tables are very close together there; in fact, when you sit down at one of those tables your chairs are directly together behind with those that are sitting next to you.

Q. Did you eat supper there with him that night?

A. We took supper there that night in the cafeteria.

Q. What conversation, if any, did you have with him during supper?

A. Well, he talked to me about taxes in general first, mentioned the gasoline tax measure, knowing that I was the author of that bill, and I talked to him some about the gas tax measure of mine, and some little bit about the gross production tax. He said that he was not directly interested in those measures, that he wanted to talk with me about a tax on his people now.

Q. Who did he say his people were?

A. The optometrists. I told him that I remembered that bill, that I was on the Committee on Revenue and Taxation; he said he had been informed that I was on that committee, and that that was the reason that he was talking to me, that he wanted to meet all the members of the Committee on Revenue and Taxation. I told him then that I was against that bill, that I was committed to the policy of voting no more taxes on my people, with the exception of the oil taxes, and that I would vote against my own bill if it were not arranged so the registration fees would be cut down and relieve my people in my county. I also mentioned to him at that time that I had some good friends at home who were optometrists, and that I was sure that they would not care to have a tax of fifty dollars placed on them; that I thought they were in the same class with physicians and professional men of all kinds.

Q. You are a lawyer, Mr. Dale?

A. Yes, sir. Well, that was very satisfactory to him; he said he was very glad to learn that I was against the bill. By that time we had finished eating, and he paid the bill and he went on up the street, and I went up to my room.

Q. When did you next see him?

A. Well, the next time I saw him to have any conversation with him in regard to the bill, the best I remember, was Wednesday.

Q. Of this week, or last week?

A. Yes, Wednesday of this week.

Q. Where did you see him?

A. Someone told me, I believe it was Mr. Moore, that he had invited us to take dinner with him at the Driskill Hotel, at least I got that word and it is my recollection that Mr. Moore said that he wanted to see me down at the Driskill Hotel, and so I went down to the Driskill Hotel immediately after the House adjourned or recessed, as the case might be, and I got in the elevator to go to his room.

Q. Did you know where he roomed?

A. Yes, they had given me the—I either asked the clerk or I think I asked the clerk what his—no, I asked the elevator boy what the number of his room was.

Q. Do you remember what the number was, Mr. Dale?

A. No, I don't remember exactly now; I thought it was 117.

Q. Well, anyway, you—

A. But I don't—I don't remember.

Q. Well, did you go to his room?

A. Yes, I went to his room.

Q. Just begin at the time you got on the elevator and tell everything that occurred with reference to this matter.

A. Well, I got on the elevator, and as the elevator was going up he was standing on an upper floor, the next floor from the—I think it was the second floor, he was standing there waiting for the elevator; so he joined me in the elevator and we went on into his room.

Q. Did you have any conversation with him in the room?

A. Yes, sir. We sat down there and he called for a porter and asked that our lunch be brought up, and in a very short time the lunch came. So we sat there together, just us two—before the lunch came up, we sat there together, just us two, and talked just in a casual way about nothing in particular.

Q. Do you remember what you talked about, Mr. Dale?

A. Before the lunch was coming up?

Q. Yes.

A. No, I don't remember just exactly what we talked about. About the time the lunch came up, there was a gentleman by the name of Hill and one by the name of Dulaney—that is they were introduced to me as having that name—and Mr. Franklow, I was acquainted with him; they came into the room just about the time the porter came with the lunch; so they talked just a minute or two, and immediately left the room. Then we sat down to our lunch; during the time we were eating Mr. Chamberlin approached me in regard to some letters that were up here in possession of Mr. Moore. It seems that he had understood—

Q. Just tell us as near as you can what he said to you, Mr. Dale.

A. He said that they were going to be read before the House, and that there were some things in them that he hated very much to have read before the House because he was afraid it would cause charges of contempt to be brought against him, and he told me—he says, "You are an attorney"—

Q. Before getting to that,—did he tell you that he had talked to anyone else about these letters?

A. No.

Q. Go ahead, Mr. Dale.

A. He said too, I believe, when he told me he was afraid charges of contempt would be brought against him, that some attorney had advised him that it was dangerous, and he approached me then—he said, “You are an attorney, I want to know if you couldn’t represent me in case I get into trouble in this matter?” So I studied the matter over and told him I didn’t know whether I could or not right then. I says, “Under the Constitution I will have to make it known to the House if I accept employment from you, because I believe”—but I says, “I will study the matter over and if I conclude that I can legally do so, why, I will be glad to accept employment as your counsel in that matter.” So that is really about all that was said during the meal.

Q. After the meal, did you go anywhere with him?

A. No, not at that time. We ate—we finished eating and he told me that he would see me later in the day, so I came on back to the House, and he told me, though, before I left that it would be a nice fee for his protection in that matter. He seemed to be worried about it. So I came on to the House and I had received a letter from my county judge at home asking to have some statistics looked up in the library. I left the House about the middle of the afternoon and went into the library to look up these statistics, and I got the data. In coming back from the library I met this gentleman in the Hall as I was coming back. He had told me that he would see me along later in the afternoon. So he told me there that he wanted to see me along about 6 or 6:15. I stated to him that I was going over to Mr. Moore’s room about that time, or that I would be there some time near that time, as I wanted to confer with Mr. Moore in regard to the bills on the calendar for that night—the gross production tax; I wanted to help Mr. Moore on his gross production tax; I was for it. While I had not talked to Moore about going over there at that time, I had in my mind to go there before we came to the committee meeting and go over the gross production tax with him; and I stated to him that I would be over there at that time. He says, “Well, I will come”; he says, “I want to see Mr. Moore myself.” And so that was the last of it at that time.

Q. When did you next see him?

A. The next time I saw him he came into Mr. Moore’s room while I was in there. Senator Floyd was in there at the time that he came, I think, or came in immediately afterwards, I don’t remember which; anyway, Senator Floyd was not in there but just a minute or two—just a short time. So he came and opened the door and pulled off his coat and ordered supper. So Mr. Floyd, or Senator Floyd—

Q. Before we get away from that, Mr. Dale. Do you remember whether or not Mr. Moore said anything about not having time to wait supper, that he had a committee meeting?

A. Yes; we both stated that we were going to a committee meeting, and we was afraid that the supper would delay us and we would be late. Well, he says, “We will not take time to order—to make out a regular order.” So he just told the waiter—he says, “Bring up three suppers right quick.” He didn’t tell him what to bring. So the waiter brought up three chicken dinners—fried chicken and lettuce, and got them there immediately, and we sat down and ate supper together, all three of us.

Q. During the supper period while you were eating supper, was there anyone else in the room except you, Mr. Moore and Mr. Chamberlin?

A. No, sir, there was no one else in the room.

Q. Do you know whether or not the door was open or closed?

A. We did not—we did not take any pains to close the door. It was not locked, I am sure.

Q. But as to whether it was open or closed, you don’t know?

A. As to whether—the waiter was coming in and out, you know, and I don’t remember whether the waiter closed the door when he came in or not. I didn’t pay any particular attention to the door. We were just sitting there, all of us eating together.

Q. Well, just go ahead now, Mr. Dale, and tell everything.

A. So we all ate there together, and then I said, “Well, we must hurry and go to the committee meeting.” And I started out of the room and Mr. Chamberlin came out with me, and just about the time we got to the door, Mr. Chamberlin began to talk to me again about being his attorney.

Q. In what matter?

A. In the contempt matter in case he was charged with anything. I told him as I have stated—we were walking down the hall, started down the hall,

and we began to talk about this, but when we got just a few steps down the hall, Mr. Moore called me back and he stated that he would be glad if I would tell Mr. Chamberlin not to come back any more; he says, "I don't want to insult him myself, and I would be glad if you would tell him not to come back to my room any more." And then I walked on and joined Mr. Chambers—

Q. Chamberlin, you mean?

A. Or Chamberlin, if that's his name; and we went on down in the lobby and we stopped there; he says, "I want to see my son over here." He says, "I think he's over here in the lobby"; and he stepped away a little piece and then he came back and joined me; he says, "I want to go to the committee meeting with you." Well, he had told me before he stopped before—he says, "I want to see my son and want to go to the committee meeting with you; wait just a minute." So he came back then, and he says, "I want you to step over to the Driskill with me just a minute." He says, "He is standing over there in the Driskill lobby now."

Q. Who was standing over there?

A. He said, "My son is, I want you to step over there." He says, "I want to go up to the committee meeting with you." I says, "Well, all right." So we started out at the side door and as we walked out at the side door he got very close to me and he says, "Here is a little retainer"; and just put it in my hand. After putting it in my hand he says, "It is a thousand dollars." I reached and put my hand on his shoulder and started to stop him, but he told me—he says, "Put it in your pocket right quick, there is somebody." I reached and put my hand on his shoulder, and when I did that the rangers took me in charge.

Q. Before you reach that, Mr. Dale—what had you said to him, if anything, with reference to whether or not you could accept employment?

A. I told him coming down that, as I stated a while ago, that I would have to make it known to the House, and that if I could represent him that I would be glad to do so, and that if I could not any fee that he might pay me would certainly be returned to him.

Q. Did you ever agree to represent him in the matter, Mr. Dale?

A. I agreed to conditionally.

Q. What were the conditions?

A. Provided that the House—that I could under the Rules of this House and the Constitution.

Q. In what matter?

A. In the matter of any contempt charges that might grow out of the reading or publicity of those letters.

Q. All right now, you say Captain Hamer came up and—

A. Captain Hamer confronted me right at that time before I even had time to say anything, and he says, "Is your name Mr. Dale?" I said, "Yes, sir." And then he said, "You will have to consider yourself under arrest." I says, "Well, what is the matter?" He says, "Well, I will have to search you." I didn't say anything—I knew it was no use to object. Mr. Chamberlin had walked right on as soon as the rangers caught me. For the first time I realized a frame-up. So I was so shocked that I really didn't know what to say, and I really don't know for sure what I did say.

Q. You did not object to being searched, Mr. Dale?

A. I don't think so; I don't think I either objected or assented to being searched.

Q. They did search you?

A. They did search me.

Q. Or rather Captain Hamer did—I say "they."

A. Yes.

Q. He and the other ranger were together at the time, or did you see two of them?

A. Yes, they were together at the time.

Q. At the time when they searched you, what, if anything, did they find?

A. They found the money.

Q. Where was it?

A. It was in—I don't know which pocket I placed it in—it was in one of my pockets.

Q. Pants pocket?

A. Yes, sir.

Q. Then after that was recovered, what did the rangers—Captain Hamer or the other, either one of them, do? Captain Hamer had charge of you?

A. Yes, sir. They took me back up to Mr. Moore's room, and Mr. Hamer went in and talked to Mr. Moore, but I don't know what was said in that room. He immediately brought Mr. Moore out, or he came on the outside, and they took us both to the sheriff's office.

Q. The Justice of the Peace was there?

A. Yes, sir.

Q. And there is where you made your bond?

A. Yes, sir.

Q. Did Mr. Moore, before he left his

room that night, did he write a letter and give it to you, Mr. Dale?

A. He did not.

Q. Did you see him write one?

A. No, sir.

Q. About how long were you in his room from the time you reached it and left it?

A. Well, I had been up in his room for some little bit before Mr. Chamberlin came up there. I was in his room, I suppose, something like an hour or more.

Q. After Mr. Chamberlin came, how long was you there?

A. Oh, I don't think we were there more than thirty or forty minutes; I wouldn't judge it to be over thirty or forty minutes.

Q. You said something about Senator—was it Senator Floyd?

A. Yes.

Q. Was he in there while Mr. Chamberlin was there?

A. He was in there just a little bit; I don't know just how long.

Q. But while Mr. Chamberlin was there?

A. Yes.

Q. What room did you occupy at the Texan Hotel at the time you first met Mr. Chamberlin?

A. I occupied Room 216.

Q. Do you still occupy it?

A. Yes, sir.

Q. That has been your room practically since you have been here?

A. Yes, that has been my room.

Q. Is Mr. Moore's—if you know, is Mr. Moore's representative district in the senatorial district which Senator Floyd is from?

A. Yes, sir.

Mr. Shelton: That is all, gentlemen.

Mr. Fly: Mr. Chairman, I believe I will move that we recess until half-past one.

Mr. Shelton: That would suit me mighty well.

The Chairman: If it is agreeable with the committee, gentlemen, we will recess until half-past one.

At 12 o'clock the committee recessed until 1:30 o'clock p. m.

Afternoon Session.

The Chairman: I believe at the time we recessed that Mr. Dale was on the stand for cross examination, wasn't he? I understood you were through.

Mr. Shelton: That is right, Judge, just go ahead.

F. A. Dale resumed the witness stand, and testified as follows:

Cross Examination.

Questions by Mr. Simmons:

Q. Where do you live, Mr. Dale?

A. I live at Bonham.

Q. How long have you lived at Bonham?

A. Well, I have lived right in the town of Bonham for I think, perhaps, six or seven years.

The Chairman: Talk a little louder.

Q. How long have you lived in that county?

A. I have lived in that county ever since I was three years old, right near Bonham.

Q. And what is your age now?

A. My age is thirty-nine.

Q. I believe you said the Thirty-ninth Legislature was your first appearance in this body?

A. Yes, sir.

Q. Had you ever held any public office before?

A. Yes, sir.

Q. What?

A. I had been District Clerk of my county for four years.

Q. From what period of time?

A. Well, it was just immediately before coming to the Legislature.

Q. Well, when were you elected, when did you take office?

A. I guess it was 1920; it seems—

Q. And you quit when?

A. Four years following.

Q. 1924?

A. Yes, January 1, 1925, I think was when I—

Q. And you were elected to the Legislature while you were District Clerk?

A. Yes, sir.

Q. And came here in January, 1925?

A. Yes, sir.

Q. Have you ever held any other public office—

A. No, sir.

Q. —of any kind or character?

A. No, sir.

Q. Have you ever been a deputy of any kind?

A. Well, I don't think so; I don't think that you would call it a regular deputyship.

Q. What would you call it?

A. At one time my friend, the Sheriff of Fannin County, right at the beginning of a term of court his office deputy ran off, stole some money and ran away and there was no one available to keep

his books during that term of court, and asked if I would not go over and keep his books.

Q. When was that, Mr. Dale?

A. I believe it was some time last year.

Q. You were Deputy Sheriff then last year?

A. I don't consider that I was a deputy sheriff.

Q. What do you consider that you were?

A. I just kept his books until he could employ him an office deputy.

Q. Were you compensated for that service—

A. Yes, sir.

Q. —by the county?

A. No, by his personal check.

Q. He paid you himself?

A. Yes, sir.

Q. Did you resign from the Legislature to accept that employment?

A. No, sir.

Q. Now, you came to the Legislature in January, 1925. I suppose you had familiarized yourself with the duties of your office, had you not?

A. Well, I had tried to.

Q. Did you endeavor to find out the rules that govern this body?

A. Not until I came, I didn't make any special study of them.

Q. Well, you learned them soon after, didn't you, Mr. Dale?

A. Well, I think so, fairly well.

Q. Do you know of any particular rule that permits a member of this House to accept legal employment on matters pending here?

A. How is that question?

Q. I say, do you know of any rule that permits a member of this body to accept legal employment to appear for or against any bill, or any other matter in this House?

A. So far as bills are concerned, I don't think a member would have the right to accept employment, and in any other matter it was my opinion that he would have to so state to the House his employment. I don't know.

Q. You had reference, I assume, in that to Section 22 of Article 3 of the Constitution, did you?

A. Well, I didn't remember just what section of the Constitution; I had read something to that effect; I didn't remember just what it was.

Q. Well, read that, please, sir, and see if that is what you had in mind. (Counsel exhibits book to witness.)

A. Well, that is perhaps—that is

perhaps what gave me the general impression.

Q. This says: "A member who has a personal or private interest in any measure or bill, proposed or pending before the Legislature, shall disclose the fact to the house of which he is a member, and shall not vote thereon." Did you figure that you could accept employment as an attorney and then by stating that fact that you were within the terms of that provision?

A. Well, I didn't figure that this matter had anything to do with the bill directly and I had no thought or intention of accepting any employment that would even influence me in regard to a bill or measure.

Q. But in your mind if a charge of contempt is filed here and this body sits in a judicial capacity as a court to try that matter, with you as a member, that you could accept a fee under those circumstances?

A. Well, I wanted to investigate and I believed that I could after I disclosed the fact to the House.

Q. Now, as I understand your direct examination, you had three meals with Mr. Chamberlin?

A. Yes.

Q. About Wednesday a week ago—Tuesday or Wednesday a week ago at the Texan Cafeteria—

A. Some time about then; I don't know exactly the day.

Q. —and then Wednesday noon at the Driskill and Wednesday night in Mr. Moore's room, is that correct?

A. Yes, sir; that is correct.

Q. Well, Mr. Chamberlin's testimony on stating those three occasions, then, is substantially correct, at least in that detail?

A. So far as eating the meals.

Q. So far as your eating together?

A. Yes, sir; that is correct. That is as far as I would wish to vouch for it at this time.

Q. Yes, sir. Now, the day you met him to take dinner at the Texan Cafeteria, where did you meet?

A. Where did we meet?

Q. Yes, sir.

A. Here—you mean when we arranged the dinner?

Q. No, sir; when you went to dinner.

A. Oh, we met down at the Texan Cafeteria.

Q. You were waiting there, were you?

A. Well, we walked in very nearly at the same time.

Q. Where did you come from?

A. I believe I was just a little bit ahead of him. I came down from my room.

Q. From inside the hotel?

A. Yes, sir.

Q. And he came from where?

A. He came from in at the door off of the street.

Q. You met there in the lobby?

A. No, we met right inside of the cafeteria.

Q. What time was it?

A. It was about 7 o'clock.

Q. What time does the cafeteria open?

A. I think it opens about 6,—I am not sure about that.

Q. By 7 o'clock practically everybody is out of there, aren't they?

A. No, sir; by 7 o'clock the cafeteria is crowded the most.

Q. It is?

A. Yes, sir.

Q. Now you ordered your dinner and the two of you went to a table in the center of the room, I believe you said?

A. Well, something near the center of the room.

Q. And in describing it on direct examination you stated that you placed a chair right up against yourself at the back.

A. No, sir; I didn't. I said that the tables were so close together that those that were sitting behind you the backs of the chairs would touch.

Q. Well, would you mind stating who that was sitting behind there?

A. No, sir; I don't know.

Q. Was anyone else sitting at the table?

A. Not at the table where we ate.

Q. Can you state the name of any person sitting at any of the surrounding tables?

A. Well, not right in my immediate section, I didn't take notice.

Q. You didn't see any of your immediate friends right around there?

A. No, sir; I didn't notice. I didn't look for them; I had no reason to.

Q. How long did you stay there, Mr. Dale?

A. We just stayed there long enough to eat; I suppose it would be thirty or—twenty-five or thirty minutes, something like that.

Q. What did you do then?

A. I went back to my room and Mr. Chamberlin came out on the street, I don't know—

Q. He left you there?

A. Yes, we separated there in the cafeteria.

Q. So you were together only about thirty minutes?

A. I think so, perhaps; that would be my best judgment of the time.

Q. What, if anything, was said at that time about any possible employment for any charges?

A. There wasn't anything mentioned about it at that time.

Q. Was anything said about this optometry bill?

A. Yes, we discussed the optometry bill and other tax measures at that time.

Q. And you advised him that you were opposed to the bill?

A. Yes, sir; I told him at that time that I was opposed to the bill.

Q. And he therefore knew, of course, that he could count on your active vote against this measure?

A. Yes, he knew I would vote against the measure, I was pretty sure.

Q. Notwithstanding the fact that you and Mr. Moore are very close friends, is that true?

A. We are friends, but then friendship does not go with me when it comes to voting on legislation. He votes against, perhaps, some of my measures.

Q. Why did Mr. Moore refer Mr. Chamberlin to you, do you know?

A. I don't know. Mr. Chamberlin told me that he understood I was a member of the Committee on Revenue and Taxation and wished to talk with me about a pending measure.

Q. Now the next time you saw Mr. Chamberlin was when?

A. Well, of course, I saw him walking around here several times, but the next time I saw him to have any particular dealings with him was last Wednesday when we ate lunch together again.

Q. What was your purpose in going to his room?

A. Well, he invited me, and I judged that he wanted to talk over the bill with me, or—

Q. He already knew you were going to vote against it, didn't he?

A. Yes, sir.

Q. Well, were you going to make a fight on it?

A. I assured him the first night that we were together that I was going to fight all tax measures except the gasoline and gross production taxes.

Q. Well, he told you he had no interest in those, didn't he?

A. Well, he finally said that after talking the bills over with me.

Q. You went to his room?
 A. Yes, sir.
 Q. Did he tell you about these letters, or did you tell him about them?
 A. He mentioned them to me.
 Q. And you said what?
 A. Well, I don't know just what all I said, but the fact—we talked about the effect of the letters more so than the letters themselves.
 Q. Well, what did you tell him about the effect of the letters?
 A. I told him that he might possibly be right in his opinion or in his advice that he had received that the House might charge him with contempt.
 Q. And you told him you thought he had better get a lawyer?
 A. No, sir, I did not tell him that.
 Q. Well, what was said about that?
 A. He proposed then to employ me as his attorney.
 Q. Had you ever represented him before?
 A. No, sir.
 Q. Did you tell him what the contempt would be?
 A. No, sir, he had not gone into that fully with me.
 Q. He knew you were a lawyer?
 A. Yes, sir, I suppose he did.
 Q. And you told him that you practice law on matters that were permissible here just like you did at home?
 A. No, sir, I didn't state anything about how I practiced law at home.
 Q. Nothing like that was said?
 A. No, sir.
 Q. How long have you been licensed to practice law, Mr. Dale?
 A. I haven't had license to practice law but a short time.
 Q. Since when?
 A. Since last fall.
 Q. Do you recall the date?
 A. Well, it is since the October examinations.
 Q. You took the examination in October?
 A. Yes, sir.
 Q. And were licensed in December?
 A. I think, perhaps, so, I don't recall the date exactly.
 Q. When does the district court meet in your county?
 A. Well, we have one term in January, another one in June and another one in October.
 Q. You came down here the first of January?
 A. Yes, sir.
 Q. Now, when you saw Mr. Chamberlin in the Capitol Wednesday afternoon of this week, what did you advise him at that time?

A. I didn't advise him anything at that time.
 Q. What did you say?
 A. Mr. Chamberlin, the best I remember, it was when I went to the library, he told me that he wanted to see me again that night.
 Q. What about?
 A. He didn't say.
 Q. Your committee was to meet that night?
 A. Yes.
 Q. What time?
 A. It was to meet at 7:30, I believe was the time set.
 Q. What time was it you saw him here in the Capitol?
 A. I don't exactly know; I think it was some time about the middle of the afternoon.
 Q. What time did you tell him you would see him?
 A. Oh, I told him that I was going over to Mr. Moore's room.
 Q. For what purpose, did you tell him?
 A. I told him I wanted to talk with Mr. Moore some, that we had a committee meeting for that night, the best I remember; I told him at least I wanted to go to Mr. Moore's room.
 Q. Well, did you tell him to meet you at Mr. Moore's room?
 A. No, I don't think so; he just volunteered and says, "Well, I will come up there and see you."
 Q. Did you make any objection to that?
 A. No, sir, I didn't make any objection.
 Q. What time did you tell him to come?
 A. I didn't tell him just when to come; I told him that I would be over there around 6 o'clock.
 Q. You told him you wanted to talk to Mr. Moore about some of the committee matters, is that it?
 A. No, I told him, I think, it was the gross production tax; I know that is what I went over there for, and I think I told him that I was going over there to go over the gross production tax business with Mr. Moore, which was coming up that night.
 Q. Well, was that one of Mr. Moore's bills?
 A. Yes, sir.
 Q. He was coming up before the bill to sponsor the bill, was he?
 A. Yes, sir.
 Q. And you wanted to talk to him a little in advance before the two of you went to the committee?

A. Yes, because I was assisting Mr. Moore on that bill; I was for that bill.

Q. The optometry bill was also scheduled to come up, wasn't it?

A. Yes, sir, it was on the calendar, too, for that night.

Q. What time did you go to Mr. Moore's room?

A. I don't know; I think it was some time about, perhaps, 5:50; it was after we adjourned up here. I just leisurely walked down that way and went to Mr. Moore's room, I think, before ever I went to my own.

Q. And that was when Senator Floyd was there?

A. Well, Senator Floyd came in there during the time that I was there.

Q. Did you ever leave the room until you left with Mr. Chamberlin?

A. I don't think so.

Q. Now, who was in there during the time you were there?

A. I believe that Senator Floyd was the only one that I recall, except Mr. Chamberlin.

Q. Then Mr. Moore is mistaken in saying that numbers of people were coming in and out all the time, is he?

A. Well, I wouldn't say that because they could have come in and out during the time he was there before I arrived.

Q. Before 5:30?

A. Yes.

Q. Mr. Moore was at the Legislature that afternoon, was he?

A. He was.

Q. Was he here in the House that afternoon?

A. Yes, sir; he was here that day, I think.

Q. And you walked from the recess right to his room?

A. Well, I might not have gone just immediately, but then I went to his room as soon as I went downtown.

Q. Yes, sir. Now, when did Mr. Chamberlin come in?

A. He came in shortly after 6 o'clock.

Q. Was he drunk?

A. Oh, I wouldn't say that he was drunk.

Q. Was he two-thirds drunk?

A. Well, I don't know what degree you would place—how you would place it.

Q. Well, I am using Mr. Moore's terms. Was he "shot"?

A. I couldn't say; he was very jovial.

Q. Was that anything unusual for him?

A. Well, I don't know that it is.

Q. Would you say that he was drunk at all?

A. No, I wouldn't say that he was drunk, because I don't know whether he was or not.

Q. Well, had he obviously been drinking?

A. Well, he looked as though he had been drinking.

Q. In what way?

A. Well, from the fact that—the appearance on his face is all—and his actions, too, in being so very cheerful.

Q. You thought when he came around there to see you and Mr. Moore that he should not be so cheerful?

A. No, I didn't object to his being cheerful at all; I raised no objection to that.

Q. How was the dinner ordered?

A. Well, he just went to the telephone and told the porter to bring up three dinners immediately.

Q. Had you planned to eat dinner in the room there?

A. No, sir.

Q. Where had you planned to eat dinner?

A. I had planned to stop down at the cafeteria and get a little bite to eat, and I told Mr. Chamberlin at the time that I didn't think we had time to eat there in the room, that I had to go to a committee meeting.

Q. What time was it?

A. Well, it was sometime after 6 o'clock.

Q. You had to go to the committee at 7:30?

A. Yes, sir.

Q. Well, you had your dinner?

A. Yes, sir; we had dinner.

Q. And did you talk about the optometry bill?

A. No, sir; we didn't talk about that.

Q. Well, what did you talk about?

A. Well, really, we just didn't talk much about anything in there; he was just in a lively mood, having a good time, it seemed like.

Q. Well, how did it manifest itself?

A. What?

Q. His lively mood?

A. Well, nothing out of the ordinary.

Q. Well, what did he say about his complaint that might be filed against him for contempt?

A. He didn't mention it that night.

Q. He didn't mention it at all?

A. While in the room.

Q. He waited until he got out of the room, is that correct?

A. As we were leaving the room he mentioned it.

Q. Where was he then?

A. I say, as we were leaving the room.

Q. Yes, sir; I understand, but were you in the door, or back in the room, or when you were putting your coats on, or when you got out in the hall?

A. Well, I think perhaps it was just as we left the door.

Q. Just as you got out of the door?

A. Yes, sir.

Q. Was Mr. Moore standing there?

A. He was in the room; I couldn't say how close he was to the door.

Q. But you had already told him good-bye?

A. Well, I didn't say I had told him good-bye.

Q. Well, you had put on your hat and were leaving anyway?

A. I had taken my leave, at least.

Q. Yes, sir; and you were going where?

A. Well, I had started to a committee meeting.

Q. Yes, sir; for 7:30?

A. Yes, sir.

Q. And what time was it now?

A. I don't know; it must have been—well, I don't know just what time it was; I don't know how—I didn't look at my watch.

Q. You really were not much bothered about that committee meeting were you, Mr. Dale?

A. Well, I wanted to be there and intended to be there. Of course I was not worrying my mind about it.

Q. Yes, sir; and so you don't know whether it was 7 o'clock or 8 o'clock?

A. I had no—oh, I know it was 8 o'clock.

Q. Well, what is your best judgment about it?

A. I think it was somewhere around a little after 7 o'clock; I believe it was, I don't know.

Q. All right, and you were going to the committee meeting?

A. Yes, sir.

Q. And you started down the elevator—you started down the hall and you were called back?

A. Yes, sir; we started down the hall and we were called back.

Q. And Mr. Moore told you, "We have had a mighty nice dinner here and lots of fun, but tell that fellow if he ever comes back in here I am going to throw him out of the window."

A. Well, I don't think Mr. Moore said that.

Q. What did he say?

A. Mr. Moore asked me to tell this gentleman not to come back to his room any more because he says, "I don't want to insult him, but I don't want him coming up here and I would rather you would tell him not to come back any more." That is all—

Q. Do you know why that was—was it because he was drunk?

A. I don't know; I judge that it was, because Mr. Moore didn't want to be accepting the hospitality of a lobbyist; I have never known him to do that before.

Q. So then you started on down the hall with Mr. Chamberlin, going to your committee meeting?

A. Yes, sir; we started down the hall together.

Q. And now he begins to talk about his contempt charges?

A. Well, he had begun to talk about that before Mr. Moore called me back, just as we left the door.

Q. All right, what did he say?

A. Well, he just said, "I want to talk to you now a little bit more about that employment on those charges." And that was about all that was said until Mr. Moore called me back, and then as we started on down, why, we discussed it some more.

Q. All right, what did you say then?

A. Well, I told him just what I had told him at noon, that if I could see my way clear by declaring the fact to the House, that I would be glad to assist him.

Q. Did you tell him what your fee would be?

A. No, sir, I didn't state what my fee would be; he told me there would be a nice fee in it.

Q. And this was all before any charges had been filed?

A. Yes.

Q. Was anything said by you at all about the opposition to the optometrists or rather the itinerant optometrists who were willing to pay \$750.00 to see this bill favorably reported?

A. No, sir.

Q. That never happened at any time?

A. It certainly did not.

Q. Did you ever say that you would see that the bill was killed for a thousand dollars?

A. I did not. It was never considered.

Q. Was anything said in Mr. Moore's room about killing the Optometry Bill?

A. Not a word.

Q. Was anything said in there by

either you or Mr. Moore about leaving the money around the room, and that you would pick it up?

A. No, sir, we didn't even know he had the money.

Q. You didn't know he had any money at all?

A. No, sir.

Q. Had he ever told you he was going to try to arrange a fee for the contempt business?

A. He had told me that he would arrange for a retainer—that he would give me a retainer.

Q. No amount had ever been specified?

A. No, sir; not until later.

Q. Was anything said in the room about the retainer?

A. No, sir.

Q. Being split between you and Mr. Moore?

A. No, sir.

Q. Was anything said in the room about money at all—

A. No, sir.

Q. —on this bill or any other?

A. No, sir.

Q. Was anything said in that room about what a tough time you had had killing the tobacco tax bill?

A. No, sir; absolutely not.

Q. Did you have any tough time killing that bill?

A. I was at the committee meeting that night and I didn't even take part in the proceedings in there. I was against the tobacco tax, however, but I didn't as much as vote when the vote was taken in the committee room, and didn't enter into any of the discussions; and I believe that every member on that committee will bear me out in that statement.

Q. Now when you left the hotel, Mr. Chamberlin, as I understand your statement, reached down in his pocket and took out a roll of bills and shoved it over into your hands and says, "Here is your retainer."

A. Well, me and Mr. Chamberlin started over to the Driskill, he said he wanted to see his son and insisted that I wait and come to the Capitol with him, he says, or just walk over there to the Driskill.

Q. What time was this?

A. I don't know; it was getting along time I was coming to the committee. He says, "Just walk over to the Driskill with me and I will just speak to him a minute, and then we will come right on back; we won't lose more than four or five minutes time." So he

insisted, and I did, or started. As we went out of the door—we had just stepped out at the door, why, he moved over right close to me, and he placed the money in my hand, and says, "Here is that little retainer." And then he says, "It is a thousand dollars, too."

Q. And you took it and put it in your pocket?

A. Yes; he said, "Put it in your pocket quick, there stand some men." Well, then, was when I placed my hand on his shoulder to stop him; I wanted to talk to him a little more about the proposition.

Q. And you still had your hand on his shoulder when Mr. Hamer came up and put his hands on your shoulder?

A. Well, I wouldn't say that, but it almost happened at the same time; when Mr. Hamer and Hickman came up; they must not have been—at least, if I had taken my hand off of his shoulder, it must not have been a half a minute. I just did that to detain him, to stop him and talk to him a minute there.

Q. You told Captain Hamer you had just accepted a fee of a thousand dollars?

A. Yes, sir.

Q. Why did you tell him you didn't know what it was for?

A. I don't remember of telling him that.

Q. Why did you tell him that the deal had just been made up in Mr. Moore's room, and that Mr. Moore could tell him all about the deal?

A. Well, really, I don't remember of telling him that. I was, as I stated this morning, I had just been arrested and searched, I was arrested for the first time in my life and I was shocked. I don't know, but I am sure that I did not tell him, I think, that Mr. Moore heard that deal, because—

Q. You knew Mr. Moore knew nothing about it, didn't you?

A. I certainly did.

Q. And whether it was shocked out of you or was deliberate, you now say that Mr. Moore knew nothing about it at all?

A. Mr. Moore knew nothing about the deal.

Q. Can you tell this committee why it is that although you went to Mr. Moore's room to discuss these bills, that they were not discussed, and although you went to Mr. Moore's room to take him with you to the committee, why you left him in his room and went on off with somebody else?

A. Well, Mr. Moore told me that he

would be right on up to the committee when I left.

Q. He was going to follow you right on out?

A. Well, the best I remember he had his coat off at the time and was—wanted to wash or something, I don't—I don't recall just why, but then he said he was not going right then, but he would come right on up.

Q. All right, when you went back up there with Captain Hamer, he was just coming out of the door, was he?

A. Who is that?

Q. Mr. Moore, going to the committee meeting?

A. No, sir; they didn't let me go in there with Captain Hamer?

Q. You stayed out in the hall with Captain Hickman?

A. They kept me down in the hall with Captain Hickman.

Q. All right, when you went up there, what did you see in Mr. Moore's room?

A. Well, Captain Hamer and Mr. Moore came to the door before I saw anything.

Q. How was Mr. Moore dressed at that time?

A. Well, really, I don't recall.

Q. Did he have on his coat and hat?

A. I don't recall whether he had them on or not.

Q. Did you hear him say anything?

A. Who, Mr. Moore?

Q. Yes, sir.

A. Not until after they came to the door.

Q. What did he say?

A. Well, he was asking them what it was all about, so far as I remember; that is the best I remember about it; I don't know what he said, really, I wouldn't be sure.

Q. You don't recall any of the conversation there?

A. Well, just—I can just remember parts of it.

Q. Did you hear him say, "You didn't catch anything on me, did you?" Did you hear him say that?

A. I heard him say that afterwards, I am sure.

Q. When did you hear him say that?

A. He said that several times. While we were going to the sheriff's office and after we got there.

Q. When was the first time he said that?

A. I don't recall when was the first time. I heard him say it several times.

Q. Was it up in the hall or in his room?

A. I don't remember whether he said it there or not.

Q. Did he know at that time in his room that they had caught some money on somebody else?

Mr. Shelton: That is certainly not admissible. He could not know what Mr. Moore knew, except by what he said.

Mr. Simmons: All right.

Q. Had you conveyed it to him in any manner that any money had been caught on you—

A. No, sir.

Q. —when you went to his door?

A. No, sir.

Q. So far as you know, he knew absolutely nothing about any money, fee or otherwise?

A. I don't know what the—I think, perhaps—well I don't know whether he knew it; I can't know what he knew.

Q. Yes, sir.

A. I don't know what was in his mind.

Mr. Simmons: That is all.

Redirect Examination.

Questions by Mr. Shelton:

Q. Mr. Dale, they asked you a moment ago if Mr. Chamberlin was drunk. Had you seen him drinking at any time during the day at the Driskill Hotel or anywhere else?

A. Well, yes, sir; I saw him drink at the—some.

Q. Where?

A. At the Driskill Hotel.

Q. Who was present at that time?

Mr. Calhoun: When was that?

Mr. Shelton: The same day this happened—Wednesday, when he was there at noon.

A. Who was present at that time?

Q. Well, yes; I will ask this: In whose room did the drinking occur?

A. It was in his room at the Driskill Hotel.

Q. Whose room?

A. Mr. Chamberlin's.

Q. Who was present?

A. Well, Mr. Dulaney and the other gentleman they called Hill, and Mr. Franklow.

Q. Did you see any liquors of any kind there?

A. Yes, sir.

Q. Did you drink any?

A. Yes, sir; I took one drink of what they call cognac.

Q. Who gave you that?

A. Mr. Chamberlin.

Q. What else—what other liquor, if any kind, did they have in that room?

A. Well, in addition to this quart of

cognac, he had a quart of Gordon's Gin sitting on the dresser.

Q. Did you see him give any of that to any other person?

A. Yes, sir, he gave them all, all but Mr. Franklow, he gave them all a drink.

Q. Did he make any statement about where it came from?

Mr. Simmons: Now, then a private confessional of this legislator and someone in a room in a hotel is very interesting but not very material, and we object to it and ask that it be excluded.

Mr. Shelton: They went into it.

Mr. Simmons: We did not go into it; they brought it out upon the statement that this man Chamberlin came into the room drunk at the hotel, and that is the only basis for this testimony.

The Chairman: I think you have gone into the matter far enough. I don't see any reason for going into it any further, and will sustain the objection.

Q. Mr. Dale, I am not sure, because my memory is not the best in the world,—did I understand you this morning to testify that when Mr. Chamberlin first spoke to you about the question of contempt proceedings that he told you he had consulted an attorney?

A. Yes, sir; he said, "I am advised by attorneys." That is the way he put it.

Q. That such proceedings might be filed?

A. Yes, sir.

Mr. Shelton: That is all, Mr. Dale.

Mr. Stone: Mr. Chairman, I would like to make this inquiry, since it has gotten into the record about this, I would like to show whose room this was and whose liquor it was.

Mr. Love: We are willing to go into the liquor business.

The Chairman: I don't see, gentlemen—

Mr. Simmons: Now, the complaining witness and the legislators involved may be willing to go into it, but on behalf of the committee at this time we ask that it be restricted and excluded until the investigation on the bribery charges has been completed. Then, in justice to this man, if he wants to go into it, I suggest that it be taken up with the committee at that time.

The Chairman: Well, I don't see, as far as it looks to me, gentlemen, that there is any need in taking up the time of the committee examining into that sort of a matter.

Mr. Shelton: Really, I don't know

that Mr. Chamberlin was a party to this matter.

Mr. McGregor: Mr. Chamberlin is not a party to this matter, Your Honor.

The Chairman: I am not talking about Mr. Chamberlin. I am not talking about anybody. I don't care to go any further in showing whether anybody had any whiskey or not. You have shown that somebody had whiskey and took a drink. I think there is enough paper been taken up on that, as far as I am concerned. I don't care, unless the committee wants to hear any more about it; if they do, all right.

Mr. Stone: As counsel for Mr. Chamberlin, I think that it ought to be shown that the room was not his room and the liquor was not his liquor.

The Chairman: Well, if anybody makes complaint in court, Mr. Chamberlin can show all those things if he wants to. We don't care anything about it here.

Mr. Shelton: That is all.

Recross Examination.

Questions by Mr. Simmons:

Q. Mr. Dale, had you ever represented anyone in contempt proceedings before?

A. No, sir.

Q. Do you know of any particular reason why Mr. Chamberlin should come from a lawyer to get you to take his case?

A. Not without that was a part of the frame-up.

Q. Yes, sir. All right.

Mr. Simmons: That is all.

Mr. Shelton: That is all.

Mr. Petsch: Just a minute, I want to ask some questions.

Questions by Mr. Petsch:

Q. Mr. Dale, on Wednesday afternoon the Legislature adjourned about 5 o'clock, didn't it?

A. I don't remember, Mr. Petsch, I think it was something like that time, I am not sure.

Q. Right after the adjournment of the Legislature, where did you and Mr. Moore go together? You left the Legislature together. Where did you go from here?

A. I really don't remember whether we left together or not, Mr. Petsch.

Q. Well, would you deny it?

A. Well, no, I wouldn't exactly deny it.

Q. Well, what is your best recollection?

A. My best recollection is that if we left the hall together that we didn't

go all the way to town together. I don't think we did.

Q. You don't think you did.

A. We perhaps could have left the hall together. I am not—

Q. Well, you mean to say you don't definitely recollect whether you left the hall together?

A. No, I don't recollect that.

Q. And therefore you won't deny that you did, will you?

A. I wouldn't either deny or affirm that we did. Mr. Petsch. I don't remember right at this time.

Q. Well, now was Mr. Moore in his room when you got there?

A. I think so.

Q. You think so?

A. Yes, sir; I think he was.

Q. About how long after you left the Legislature, left the House, that you got to Mr. Moore's room?

A. I think I got to Mr. Moore's room some time along about 5:30 or a little after.

Q. Well, that was just a short time after the Legislature adjourned, wasn't it?

A. Yes, now I won't—

Q. Then isn't it possible that you and Mr. Moore went to the room together from here?

A. Well, it could be possible.

Q. It could be possible?

A. But I am not sure about that, Mr. Petsch.

Q. Yes, sir. And you say you went up there to talk over with Mr. Moore matters concerning the bills that were coming up before the committee that night of which you and Mr. Moore were both members.

A. No, I wanted to talk with him something about the gross production tax; that was the only one that I was very materially interested in—greatly interested in; I wanted to see that come out of the committee room.

Q. I said a committee of which you and Mr. Moore were both members. Mr. Moore is not a member of the Committee on Revenue and Taxes.

A. No, Mr. Moore is not a member of that committee.

Q. Well, why was it you made a point—a special point to go down to Mr. Moore's room to talk those matters over with him there at that room when you were together here in the Legislature that evening?

A. Well, it was just immediately before the Committee on Revenue and Taxation was to meet, you know, and I was

—I wished just naturally to prepare myself for the committee that night.

Q. Well, the Committee on Revenue and Taxation met up here in the Capitol?

A. Yes, sir.

Q. And around about 5 o'clock you and Mr. Moore were here in the Capitol together?

A. I don't remember just what time it was, or whether we were together right at that time. We don't very often—

Q. Mr. Dale, you cannot assign any particular reason for going to Mr. Moore's room excepting to talk over the matters concerning the gross production bill and the optometry bill, or did you go—didn't you go to his room to talk about the optometry bill?

A. No, I did not. Mr. Moore and I never could agree on that bill.

Q. What was the other bill that you mentioned? I forget what it was.

A. The gross production tax.

Q. The gross production tax?

A. I was with Mr. Moore on that, I agreed with him on that. We never could agree on the optometry bill. I was against it from the start; I didn't feel like there would be any trouble in its being defeated before the committee.

Q. Now, this room at the Texan Hotel, did you and Mr. Moore have a room—have 216 and 218 jointly, or did you have 216 and Mr. Moore have 218, or the other way around?

A. Well, Mr. Moore first took the rooms, and then I moved into 216. We paid our bills separately. I paid for 216 and registered in 216, and he paid for 218.

Q. They were two separate and distinct rooms, weren't they?

A. Yes.

Q. Did you keep the door between the two rooms open or closed?

A. Well, there are two doors; there is a bath between the two rooms.

Q. And another door?

A. Yes, there is a common bath between the two rooms where both rooms are used.

Q. I will ask you did you use the bath together, or did Mr. Moore have exclusive use of the bath?

A. Well, I used the bath some. (Laughter.)

Q. Well, what I am trying to get at, did you pay upon the basis that you had joint use of the bath with Mr. Moore or not?

A. Well, I don't know about that; I don't know whether they would have made any difference in the charges or not, and had not heard them say about that.

Q. You won't testify that you had any kind of understanding on it?

A. No, no; I just paid my bill down at the clerk's desk and he did, too, I don't know.

Q. You didn't talk the matter concerning the representation of Mr. Moore in the contempt proceedings, you didn't talk that matter over with any other legislator, did you?

A. No, sir; I hadn't. I hadn't yet mentioned it.

Q. I didn't mean Mr. Moore, I meant the representation of Mr. Chamberlin.

A. Yes.

Q. You didn't talk that over with any other legislator?

A. No, sir.

Mr. Petsch: I think that is all.

The Chairman: Any other members of the committee wish to ask any questions?

Mr. Simmons: I would like to ask another question.

The Chairman: All right.

Recross Examination.

Questions by Mr. Simmons:

Q. Mr. Dale, no charges had ever been filed in the House of any kind against Mr. Chamberlin, had there?

A. No, sir.

Q. No resolution to that end had ever been introduced, had it?

A. No, sir.

Q. Nor has there up to this time?

A. No, sir.

Mr. Simmons: That is all.

Redirect Examination.

Questions by Mr. Shelton:

Q. Mr. Dale, I judge by your being in the House that you are a Democrat?

A. Yes, sir.

Q. And I judge by the statement that you made a moment ago with reference to the bathtub that you do not belong to the unfrightened or the unwashed democracy?

A. No, sir.

Mr. Shelton: That is all.

(Witness excused.)

Mr. McGregor: Mr. Chairman, we wish to ask Mr. Fly a question, and we waive the oath.

The Chairman: All right.

W. M. Fly, without being sworn, testified as follows:

Direct Examination.

Questions by Mr. McGregor:

Q. Your initials are?

A. W. M.

Q. You are a member of this committee?

A. Yes, sir.

Q. Were you in attendance here this morning?

A. Yes, sir.

Q. Are you acquainted with Willis W. Chamberlin, the witness who testified here yesterday?

A. Yes, sir.

Q. This committee has roped off the participants in this hearing from the other audience in this hearing by a string, hasn't it?

A. Yes, sir.

Q. I will ask you if Willis Chamberlin came into the building this morning and brought his chair inside of that rope and sat down behind you and Mr. Holder?

A. I don't know whether he brought the chair in there; he was sitting here at one time.

Q. He came in right behind you?

A. Yes, sir.

Q. Did he say anything to you during the hearing?

A. Yes, sir.

Q. Tell this House and committee what he said. Let me restate that. Who was on the stand at the time he said something to you?

A. Mr. Moore.

Q. Had Mr. Moore made a direct statement with reference to a fact?

A. Yes, sir.

Q. Then what did Mr. Chamberlin say to you?

A. He said, "That's a damn lie."

Q. Then what did you do?

A. I didn't know he was there until then, and I said, "Durn you, get out of here."

Q. Then I will ask you if you appealed to the Chairman to put him out?

A. Yes, sir.

Mr. McGregor: Take the witness.

Mr. Simmons: No questions.

(Witness excused.)

C. D. Waide, having been duly sworn, testified as follows:

Direct Examination.

Questions by Mr. McGregor:

Q. Mr. Waide, you are in attendance on the Legislature as a member of the Third House—the outside house?

A. As a member of the Fourth House.

Q. As a member of the Fourth House?

A. Yes, sir.

Q. Fourth House—just a matter of count; that is, you are representing the press?

A. Yes, sir.

Q. What paper do you represent?

A. The Houston Chronicle.

Mr. Petsch: Speak louder, Mr. Waide.

Q. Do you represent directly or indirectly any other interest here except the press?

A. I draw a salary, at least, I have drawn one month's pay, and am—

Mr. Fly: Speak louder.

A. I have drawn pay for one month from one other client, and am supposed to draw from two other interests.

Q. Will you tell us who those clients are?

A. Andrews, Streetman, Logue & Mobley, at Houston, and Fulbright, Crooker and Freeman.

The Chairman: Repeat that, they say they can't hear you.

A. Andrews, Streetman, Logue & Mobley, Attorneys at Law, Houston; Fulbright, Crooker & Freeman, Attorneys at Law; and John E. Green and Claude McCaleb of the Legal Department of the Gulf Oil Company.

Q. Of the Gulf Oil Co.?

A. Yes, sir.

Q. Do you represent either directly or indirectly any other oil company?

A. I do not.

Mr. McGregor: That is all:

Cross Examination.

Questions by Mr. Simmons:

Q. Mr. Waide, in addition to representing the Chronicle, you have what is known as a Capitol service, haven't you?

A. Well—

Q. You are organizing it?

A. Yes, sir.

Q. What is the purpose of that service?

A. Simply to run errands whenever called upon by these attorneys, having nothing whatever to do with legislation but simply if they want departmental information, something that demands personal attention, they can call me up on the phone and I run and attend to it for them,—when I get time in between my other work.

Q. Certified copies of charters?

A. Yes, sir.

Q. Opinions that have been handed down that day by one of the courts?

A. Yes, sir.

Q. And so on?

A. Yes, sir.

Q. And these gentlemen you have named—that retainer you spoke of was simply for that small service?

A. That service the year around, not particularly during the session.

Q. And you were employed by these attorneys from Houston, your home?

A. Yes, sir.

Redirect Examination.

Questions by Mr. McGregor:

Q. One of them was the Gulf Oil Company?

A. Yes, sir.

Recross Examination.

Questions by Mr. Simmons:

Q. One of them, I understood you to say, was Mr. John E. Green, one of the attorneys for the Gulf Oil Co.?

A. Yes, sir.

Q. And your service in that capacity was merely for Mr. Green, as I understand it, as a lawyer, getting this little information as you mentioned for these other two firms you spoke of?

A. Yes, sir.

Mr. Simmons: That is all.

Mr. McGregor: Stand aside.

(Witness excused.)

Mr. Shelton: We rest.

The Chairman: All right.

Frank A. Hamer, recalled to the witness stand, testified as follows:

Direct Examination.

Questions by Mr. Simmons:

Q. Captain, you were sworn before?

A. Yes, sir.

Q. I will ask you whether or not when you went to the door of Room 924 in the Stephen F. Austin Hotel, if you met Mr. Moore coming out with his hat and coat on.

A. I did not.

Q. State what you found in that room.

A. Mr. Moore was lying on the bed, with his coat and hat off. When I got in the room I shook hands with him lying on the bed.

Q. In his shirt sleeves?

A. Yes, sir.

Q. Do you recall what time it was?

A. Some time between 7:30 and 8 o'clock; it was after 7:30.

Q. There seems to be some question

about the record. If you will kindly just state everything that was said and done, and what you saw and did in that room—

Mr. Shelton: We object to that because it has been gone over and the stenographers have taken it down, and it has been reduced, and we have not challenged any statement the Captain made.

Mr. Simmons: Well, if it is—

Mr. Shelton: It is a question of memory between us, and the record will show what it is.

Q. I will ask you whether or not the statement was made in your presence by Mr. Moore that "You didn't take anything off of me, did you"?

A. It was.

Q. When did he make that statement?

A. Well, I remember him making that statement while we were on the way to the court house; I don't remember of any other time that he made it; he might have, but I don't remember it.

Q. I will ask you whether or not you asked Mr. Moore the direct question as to when he last—whether he knew Mr. Dale and when he last saw him?

A. I did.

Q. What was his answer to that question?

A. I first asked him if he knew Mr. Dale; he said, "Yes, I know him." I says, "When did you see him last?" He says, "Well, I saw him yesterday evening," and then he says—turned to Mr. Corley and he says, "By the way, wasn't Mr. Dale in here a few minutes ago?" And I don't remember. I believe Mr. Corley said, "Yes, I think I met him as I went out."

Q. What time was it that you met Mr. Chamberlin at the Adjutant General's office?

A. Some time after 5:30 in the afternoon, Wednesday.

Q. From your experience as a peace officer and otherwise, have you had occasion to observe men who were intoxicated?

A. Yes, sir.

Q. I will ask you whether or not Mr. Chamberlin was drunk at the time he came to the Adjutant General's office?

A. He was not.

Q. You saw him then off and on up until after the arrest, did you, that night?

A. Yes, sir.

Q. When he left and went toward the Driskill Hotel?

A. Yes, sir.

Q. I will ask you whether or not at

any time from 5:00 o'clock or 5:30 until you last saw him after the arrest, whether or not Mr. Chamberlin was drunk or acted in any manner as if he were intoxicated?

A. He did not.

Q. Were you close enough to him to smell liquor on his breath?

A. Yes, sir.

Q. Did you smell any liquor on his breath?

A. I did not.

Q. Did you smell any liquor in Mr. Moore's room at the Stephen F. Austin Hotel?

A. I smelled liquor on his breath.

Q. On whose breath?

A. Mr. Moore's breath.

Mr. Simmons: That is all.

Cross Examination.

Questions by Mr. Shelton:

Q. You don't know whether he got that from Mr. Chamberlin or not?

A. No, sir.

Mr. Shelton: That is all.

Mr. Simmons: That is all, Captain.

Mr. Shelton: Oh, Captain; just one second, there is one other question that I forgot to ask you.

Re-cross Examination.

Questions by Mr. Shelton:

Q. Captain, at the time Mr. Moore made the statement to you on the way to the court house,—that you didn't find anything on him,—had you told him about finding the thousand dollars?

A. No, sir.

Q. You had not?

A. No, sir.

Mr. Shelton: That's all.

Re-direct Examination.

Questions by Mr. Simmons:

Q. Captain, where was Mr. Chamberlin when you placed your hand on Mr. Dale's shoulder when you arrested him, or when you went up to him?

A. I couldn't say,—I don't know exactly. The last I saw of him he was crossing the street.

Q. He was on his way to the Driskill?

A. Yes, sir.

Q. Had they separated when you came up?

A. Yes, sir.

Q. How far away were you when they separated?

A. I would say thirty feet.

Mr. Simmons: That's all.

Mr. Shelton: That's all.
(Witness excused.)

Tom R. Hickman, recalled, testified as follows:

Direct Examination.

Questions by Mr. Simmons:

Q. Captain, you were sworn before?

A. Yes, sir.

Q. Do you remember the occasion and know the time when you went to the Stephen F. Austin Hotel the first time Wednesday night?

A. Yes, sir.

Q. What time was it?

A. About six-forty.

Q. What time was it that Mr. Dale,—Mr. Chamberlin left the room, approximately?

A. About seven-forty,—seven-forty-five.

Q. What time was it when you came back to Mr. Moore's room?

A. Oh, five minutes later,—maybe ten minutes later.

Q. How do you happen to remember the time?

A. I looked at my watch.

Q. You looked at your watch at that time?

A. Yes, sir.

Q. From your experience as an officer and otherwise, have you had occasion to observe men that were intoxicated?

A. Yes, sir.

Q. I will ask you whether or not, when Mr. Chamberlin came to the Adjutant General's office that afternoon, whether or not he was intoxicated?

A. He was not.

Q. Did he evidence in any manner that he had been drinking?

A. No, sir; he did not.

Q. Did he at any time up until the last time you saw him going into the Driskill Hotel,—at any time, evidence that he had been drinking at all?

A. No, sir.

Mr. Simmons: That's all.

Mr. Shelton: That's all.

(Witness excused.)

Mr. R. L. Bobbitt, being duly sworn by the Chairman, testified as follows:

Mr. Shelton: On behalf of the parties we represent, we waive the swearing of any member of the House, and take it that the testimony would be the same as under oath. They are members of

the House and under oath here, and we waive the swearing of them.

Mr. Bobbitt: I do not object to being sworn.

Mr. Petsch: We insist that everybody be sworn.

The Chairman: The committeeman insists that they be sworn.

Mr. Shelton: All right, sir.

(Mr. Bobbitt sworn.)

Direct Examination.

Questions by Mr. Simmons:

Q. Your name is R. L. Bobbitt?

A. Yes, sir.

Q. You live at Laredo, Texas?

A. Yes, sir, that's my home.

Q. What is your profession, Mr. Bobbitt?

A. I am a lawyer.

Q. You are at this time representative of Webb county?

A. Seventy-fifth District.

Q. And Speaker of the Fortieth Legislature?

A. House of Representatives, yes, sir.

Q. Yes, sir. I will ask you whether or not you had occasion this past week to meet Mr. W. Chamberlin,—with reference to certain charges that have been made?

A. Yes, sir.

Q. Please, in your own way, explain your connection with the matter.

A. The first time I talked to Mr. Chamberlin,—the first time that I was,—Tuesday, I believe it was Tuesday noon; I was at the Rotary Club at the Driskill Hotel,—attending a Rotary Club luncheon, and I was called out and I went to a room in the Driskill Hotel, at the suggestion of Mr. Chamberlin, to talk over what I understood from responsible people to be a proposition that Mr. Dale had made to him. I went to that room. I have forgotten the number. It is on the first or mezzanine floor; and there I met Mr. Chamberlin; and Mr. C. D. Waide of Houston was the man who called me out of the room from the Rotary luncheon. We went in the room and sat down, and Mr. Wade excused himself and started to leave, and I told Mr. Wade and Mr. Chamberlin,—I said, "I don't know this gentleman," I did not recall seeing him around the Legislature, although I understand he is quite well known here, and I told Mr. Wade and Mr. Chamberlin that I would not discuss a matter of the gravity of the charge,—this charge, with a man whom I did not know well, unless there was someone around. So Mr.

Waide remained in the room. We talked a few moments, and I had an engagement at the Stephen F. Austin Hotel.—I've forgotten just what it was about. We didn't go into the detail of the situation very much, and so I told Mr. Chamberlin. I said, "Now,—" In other words, there were some people coming in there, as I recall,—some one came in that room, and were sitting there, and I said, "If we are going to talk over a matter of this nature, we want to talk over it where we will know what we are doing." I said, "Mr. Chamberlin, if you will come over to my room at the Stephen F. Austin Hotel, I would be glad to have you tell me anything that is on your mind." I think I should go back,—if you want to know the whole story,—the whole situation just as I know it,—if that is the desire of the committee, I will be glad to do that.

The Chairman: Do that.

A. (Continuing.) The matter was first brought to my attention as I recall, a week ago today, Saturday,—noon Saturday. When Mr. Waide told me that,—he mentioned the matter to me,—and we went in my office, and there was some hesitancy on his part to discuss the matter. Finally I asked him what he had to say, and he told me that he understood from a responsible citizen of Houston that a shake-down proposition had been made by a member of the House of Representatives of the Fortieth Legislature, and I said, "Mr. Waide, I cannot believe that." It was shocking to me to think that any member of this House would make a proposition like that, but he said that he had heard it from a responsible man. "Well," I said, "Now, Mr. Waide, so far as I am concerned, as a citizen of Texas first, and as a member of the House of Representatives, second, and as Speaker of this House, holding a responsible position, I do not appreciate any such rumors floating around this Capitol; but if there is any such practice as that going on,—if there is a member of this House that would make a proposition of that kind, I don't think that any man would call himself a decent citizen of this State unless he presented it to the proper authorities in the proper way. Otherwise we haven't any government that we can rely on," and I insisted—I said, "Mr. Waide, you have told me this; I have known you a great many years and I have great confidence in you; you have told me this, and it is not fair to me as Speaker of the House,

it is not fair to your State, it is not fair to the people of the State, for you to withhold the information if it is a fact." I insisted, and if I may say it, very vehemently, that he tell me who the parties were, and he mentioned the name of the party to whom the proposition had been made.—Mr. Chamberlin. I did not then recall him and I insisted on knowing who made the proposition,—the member of the House of Representatives, and I say that with a great deal of reluctance he told me the information that had been brought to him. That was Saturday noon,—last Saturday. Naturally it shocked me a great deal. I didn't know what to do. I didn't know what to think; but I told Mr. Waide, I said, "Now, listen, we have had a whole lot of this business talked around the Capitol in Austin for the last two years, and I just hoped that with the beginning of the Fortieth Legislature that we would have a different kind of government and a different kind of procedure than I had understood that we had been having in Texas for the past two years, and if that gentleman is a decent respectable citizen of my State, and that proposition has been made to him by a member of the Legislature, and if he is the man or the kind of a citizen he ought to be, then he will tell the proper officers just exactly what the facts are, to the end that whatever ought to be done can be done." I understood from Mr. Waide the party had gone to Houston, but probably would be back here Monday night or Tuesday morning, and I said, "Now, I am not interested in any stray rumors or any stories from any irresponsible source. If that is a fact,—if that is a practice that is being indulged in, I want to know it, and as a member of this Legislature and as a citizen of this State, I feel like it is my duty to use every honorable means to stop it." And then Tuesday morning, or Tuesday at noon, was the next conversation, as I recall that I had had in connection with it,—when I was called out of the Rotary Club meeting and I met Mr. Chamberlin as I said. We talked the matter over in my room at the Austin Hotel for a few minutes. That was on Tuesday and the House had adjourned or recessed until two o'clock. We didn't have very much time, and I told Mr. Chamberlin, after the meeting,—after I had come up to the House,—I said, "Now, I want to go into this with you further." But I made this statement to Mr. Chamber-

lin. when I first talked to him, I said, "Mr. Chamberlin, who are you?" He told me he lived in Houston,—was an optometrist, and had been in business there for thirty some odd years. I says, "Are you down here lobbying for any particular interests?" He explained to me who he was representing. I said, "Are you a professional lobbyist, that will come here and undertake to put over anything for anybody if they will raise the money for you?" I didn't know the gentleman, but I did know about a lot of the practice on the part of some of the people, and I didn't desire to and wasn't going to be interested in discussing a matter of this gravity with somebody not responsible, and engaged in professional lobbying for pay. Mr. Chamberlin convinced me that he was an honorable citizen of Houston, Harris county, Texas; but from what he stated,—I did not rely upon that, gentlemen, entirely. I worried about the matter. I didn't mention it, as I recall, to anybody that afternoon. I told Mr. Chamberlin, I said, "I would like to meet you this evening and talk this thing over further. It is hard for me to believe that the charge that you make or the proposition you state has been made to you, can be true." I thought over what I ought to do. I didn't mention it to anyone as I recall. I might have mentioned it to one person; I don't remember, but I thought of some one in Austin, who lived in Houston, who were not members of the Legislature from that county, with whom I might talk and find out more about who Mr. Chamberlin was, and get some advice or suggestions about what a man in my position,—a man, if I may say it, with my lack of experience in such matters ought to do.

I have known General J. F. Wolters for a good many years. I have known him intimately for the past eight or ten years. I consider him a high-standing, honorable citizen of this State, and a lawyer of marked ability. I knew that he had had much experience in connection with the National Guard and perhaps in other ways, in catching crooks and thieves, and boot-leggers, and other forms of criminals, while he had Mexia and that territory under martial law. Having that confidence in General Wolters, knowing his experience and ability, knowing that he lived in Houston and would perhaps know facts about Mr. Chamberlin that I did not know, I asked General Wolters to meet me in my room, and I asked Mr. Chamberlin to be

there, and I believe I asked Mr. Waide to be there. And we met there by appointment at my request, and there we talked over this whole situation as I knew it. As stated, I wanted to find out about Mr. Chamberlin,—the character of man that he was. And I wanted to get judgment of other people, whose judgment I could rely upon,—men of honor and integrity and ability. And we talked over the situation there, and I told those gentlemen, I said, "It is hard for me to believe, gentlemen, that this possibly could be true,—that a member of the Legislature of Texas would make a proposition to do anything in connection with a bill for so much money, and it is hard for me to believe it." And, as these gentlemen will tell you, I am sure, if you ask them, I got very hard in after Mr. Chamberlin at that time, and talked with him about his activities around the Legislature of Texas, and told him this, I said, "Now, look here, Mr. Chamberlin, I don't know you, but if you are the kind of a citizen you ought to be, and if this proposition has been made to you as you say it has been made, if that is a fact, then you owe it to the Legislature of Texas, you owe it to the people of Texas, and you owe it to yourself as a self-respecting citizen to see if that kind of thing can not be stopped. And if Mr. Dale or Mr. Anybodyelse will make a proposition like that, they belong in the penitentiary and they certainly do not belong in the House or Legislature of Texas." I said, "Now, if you have not the courage,—if it is a fact, and you have not the interest in Texas, and you have not the courage to do what any honorable, intelligent citizen ought to do to catch a crook, who would do that, why, then you'd just as well forget about it. On the other hand, if you are here representing some interests, that you are interested in properly,—if you are interested properly in any legislation, and you are afraid that an effort on your part to stop such crookedness as that is liable to hurt your own particular interests in the optometry legislation you are interested in, legitimately,—if you are interested legitimately, and if you are afraid that it is going to hurt your private or personal interests, then you had better not go into it." And Mr. Chamberlin said to me, he says, "I have been interested in this business, trying to get proper legislation for the optometrists of the State." He says, "First I am a citizen of Texas." He said to me, "I have never given a dollar

to any member of the Legislature at any time for any illegal purpose, I have never contributed a dollar to any member of the Legislature. and," he says, "That proposition made to me." he says, "Just knocked me off the Christmas tree,"—I believe was his expression; and he stated that having come to him in that way, that he had gone and talked to Mr. Waide and told him about it, and he figured what he ought to do, and how the matter ought to be handled, and stated for that reason that he felt it his duty to report the matter to me. We talked over I guess at some length, the general situation. I stated to those gentlemen there that I was Speaker of the House of Representatives, and that any action that I might take, if this is true, or if it were not true,—that any action I would take might be misunderstood, and might be misinterpreted. There would be some perhaps cheap-skate politician that would say I might be trying to frame somebody, or do something for some political, selfish reason. I did not forget, and so stated, that Mr. Dale had been at least a tentative candidate for Speakership of the House, but I stated to those gentlemen that whatever the result might be, or whatever the outcome might be, if that kind of thing was going on in the House of Representatives at this time that I felt I was not a self-respecting citizen and was not fit to be Speaker or a member of the House, if I did not do every honorable thing to stop it. And we talked over the general situation there, what ought to be done,—I believe I talked to General Wolters, and then some remark was made about how you caught crooks at Mexia, how you caught them when there wasn't any question about them being guilty. And reference here has been made to a frame-up by Mr. Dale, I noticed in his testimony here. There wasn't any idea on my part, and I so stated to those gentlemen,—of trying to frame anybody. I was so shocked at the matter that I did not have very much judgment as to what ought to be done. Mr. Chamberlin told me at that time, he says, "Mr. Bobbitt, I am willing as a citizen of Texas, to do anything that ought to be done to try to bring to justice members of the Legislature that are engaged in this kind of practice." "Well," I says, "Now, Mr. Chamberlin, it is largely up to you. You are taking a very heavy responsibility, because you can imagine what is going to come down on your head in a proceeding like

this; there's got to be,—if this is true,—if this proposition has been made to you, and if it is accepted,—and you pay the money over, why, then, there is going to be another time, and there is going to be a defense made, and you are taking on your shoulders a whole lot of responsibility." Well, as I recall, that was generally the substance of our conversation that evening. I did not know, of course, of any details, and made no plan in detail,—didn't go into any plan as to what Mr. Chamberlin was going to do. I told him if this was a fact, and he went in to catch those men, that he ought not to be led off into any side shows, that he ought to be sure of himself, and if he was going out to catch a crook like that, a man being a crook who would do that,—if it were true,—that he ought to be sure of himself. Things rocked along. That was about the substance of our conference, I believe, that evening. I don't think I slept any at all Tuesday night. It nearly worried me to death. I don't recall when I saw Mr. Chamberlin next; I think some time the next morning he told me that he was perhaps making some plans of some kind,—I was busy here in the House. I don't remember that he told me that. I am sure he was making plans,—he ought to have been making plans; and I worried about the matter until in the afternoon. I didn't know what to do. But I did have confidence, as I have always had implicit confidence, in the law-enforcing Governor of this State, and I felt that it was my duty as Speaker of the House,—it was my duty as a citizen of Texas and a member of the House of Representatives, to lay the matter before the Governor of the State. I requested a conference with the Governor, and I told him I wanted to see him right away,—that was in the afternoon. I went down to the Governor's office, and I laid before Governor Moody all the information that I had, everything that had come to me, and I told him just how I felt about the matter, that I realized the position that I held, as a citizen of Texas, first, as a member of the House of Representatives, and as Speaker of the House, and that I knew that whatever the outcome might be, whether this man had made this proposition was guilty, or whether he were innocent, or whether Mr. Chamberlin was putting up a job,—I said, whatever the outcome might be, it is a bitter pill that somebody has got to swallow. I laid the whole facts before him;

I said, "Dan, now, you have been a celebrated district attorney of this State, you have been Attorney General of Texas, and you are now Governor of Texas, and as I understand, charged with the enforcement of the laws of this State, to preserve the integrity of our government." I said, "Under all the circumstances, what would you do?" I had stated to him, I said, "Governor, I have not talked this over with members of the House,—not a single member from Harris county." I have been so shocked, I didn't know what to do. I said, "My impression is that: That I ought to do this, I ought to call in at least a few members of the House in whom I have implicit confidence, and men whom I know to be men of influence and unquestioned integrity, whose word is as good as their bond anywhere in Texas, and lay this matter before them, and ask those men what I should do." Governor Moody says, "Well, it is a disgraceful situation."—I probably should not quote the Governor, he was very much,—was very much abashed at it. But he pounded the desk and says, "So far as I am concerned, if there is anything like that going on in the Legislature, or going on in Texas," he says, "every honorable citizen and every honorable officer ought to do everything possible in every honorable way to stop it, and, if the parties are guilty, they belong in the penitentiary and not in the Legislature; if they are not guilty, they ought to be exonerated." So he said,—suggested,—said, "I think your suggestion is a good one; I would call in a number of the members of the House of Representatives, and tell them everything about it,—all the information that has been brought to you,—tell them all the facts." That was along in the afternoon of Wednesday, and I came back to my office, and I sent for eight or nine members of the House. I didn't have much time,—it was not a lack of confidence in any other member of the House, but just as I gathered myself together, I sent for eight or nine members of the House, and told them the situation just as I knew it,—told them this man had told me that this proposition had been made to him, and I told them that I had made an investigation satisfactory to me that he was an honorable citizen of Texas, but that before anything was done on my responsibility or on my authority, that I wanted that man to come before that bunch of Representatives and tell them what he had told me, to the end that we might not go off "half-cocked," so to speak, not

do anybody any injustice, but do the right thing. Those men met in my office and I sent for Mr. Chamberlin. He came in there, and we laid before that group of men the facts that I had before me, and I told them my views about the matter, and told them frankly that I had talked to the Governor of the State, and I told them what the Governor had told me, and asked them what they thought, under the circumstances, ought to be done. Mr. Chamberlin came in and told us how he felt about it, and the plans he had made to catch these parties, and he had with him at that time one thousand dollars in currency. And he had with him four or five slips of paper which were descriptive carbon copy slips,—descriptive of this money. That money was laid down on the table there, and was checked over by the members of the House, and Mr. Chamberlin put it in his pocket, and left a descriptive list of that money in my office. And I then told Mr. Chamberlin, and the committee present stated, that if this thing were true, that we thought that he was doing the right thing by his State, and I suggested to him that we had in Texas an Adjutant General, that we had in Texas some Rangers who were honorable men, and who were intelligent men, and that as a citizen of the State, I felt it was his duty to inform the law-enforcing officers of our State about what was going on, and what he proposed to do in connection with trying to catch a man of the character,—would be of the character that would make a proposition like that, and that the Adjutant General's office was down here on the first floor of this Capitol building. Mr. Chamberlin left the office and he went away, and I never saw Mr. Chamberlin any more until after I understand these parties had been arrested. I never saw Captain Hickman, never saw Captain Hamer at all in connection with the matter, and as to any plans or any frame-up that existed between Mr. Chamberlin and the Texas Rangers, I have no knowledge of it. If the testimony here related before this committee is true, I think the Rangers made good plans, I think it was their duty to make the plans as they made them. That is perhaps an expression of opinion that I should not be expressing at this time, Senator.

Senator McGregor: That is all right.

A. (Continuing.) But you will perhaps realize,—

Senator McGregor: We realize your position, Mr. Speaker.

—the pressure that has been on my unworthy shoulders for the past week.

Senator McGregor: I say I realize your position, and I think it justified from your viewpoint.

Mr. Bobbitt: Yes, sir. That is about the general situation, gentlemen, as I know it.

Mr. Simmons: No questions from us.

Senator McGregor: That is all, Mr. Speaker.

Speaker Bobbitt: Pardon me, I would like to make this one more statement. The relations between myself and Mr. Dale have always been the most pleasant.

Mr. Dale: Perfectly all right.

Speaker Bobbitt: There never has been the slightest personal difference between us, whatsoever. We don't think alike in government; we don't vote alike. I have always respected Mr. Dale, and I take it that he has respected me, and there has not been the slightest feeling, so far as I know, between Mr. Dale and myself. I don't think there has been the slightest feeling on earth between Mr. Moore and myself,—as a matter of fact, I would like to make this statement: that in the organization of the House of Representatives of the Fortieth Legislature of Texas, as it was my duty to try to organize it, as Speaker I appointed committees to give examinations to the stenographic force of the House, to the end that we might have stenographers who were capable and of the highest character. I appointed another committee to examine the applicants of the clerkships, to the end that we might have honorable, capable men for committee clerks, and as members of those committees well know, with practical unanimity, I stood back of their recommendations for positions in this House. But I did this, as Mr. Moore well knows; I appointed a stenographer on the force of the House without her being examined,—without having seen her. I appointed her,—she was not in Austin. I said, "Mr. Moore, if you tell me that she is the kind of a stenographer we ought to have—having the confidence in you I have,—you wire her to come here, and I will appoint her." At the request of Mr. Dale,—I violated the rule in connection with that matter, the rule that they take the examination,—Mr. Dale requested me to appoint a young lady on the force of the House, and I did that. I make this statement, gentlemen, in fairness to those gentlemen, and in justice to myself

under the circumstances that have arisen here, because I wanted these gentlemen with whom I differ politically,—if I might put it that way.—I wanted them to have more than abundant evidence of the fact that I was not trying to organize the Fortieth Legislature on political grounds or from any political consideration.

Senator McGregor: That is all, Mr. Speaker.

(Witness excused.)

Mr. Simmons: Call General Wolters.

Jacob F. Wolters, Esq., being called as a witness and duly sworn by the Chairman, testified as follows:

Direct Examination.

Questions by Mr. Simmons:

Q. What is your name?

A. Jacob F. Wolters.

Q. What is your occupation?

A. Lawyer.

Q. What is your firm, General?

A. Wolters, Blanchard, Woodul & Wolters.

Q. With offices in Houston, Texas?

A. Houston, Texas; yes, sir.

Q. General, do you hold any office, civil or military, in the State of Texas?

A. I am a Brigadier-General in the Texas National Guard, and hold the same grade in the United States organized reserves.

Q. Have you been connected with the National Guard a great many years?

A. Yes, sir.

Q. Some question has arisen here, General, about your connection with this proceeding. I will ask you what knowledge came to you and from what source, the first you had of this matter?

A. I was out of Austin Friday afternoon, Saturday and Sunday in San Antonio, returning by automobile with a friend to the Driskill Hotel about eight-thirty. My firm represents the Houston Chronicle Publishing Company, which publishes the Houston Chronicle. Mr. C. D. Waide, as soon as I came in, said he wanted to see me. Department heads are men such as have instructions to advise with me or members of my firm concerning anything relating to the policy or affairs of the Chronicle. We went to my room and he there told me that Mr. Chamberlin had told him that a member of the Legislature proposed to kill a bill upon the payment to him of a thousand dollars. At first no names were given. He said, "I looked for you

and I couldn't find you, and I went to Speaker Bobbitt and told him about it." He said, "I hesitated to do it"; he said, "I just want to talk to you because I don't know what the executives of the Chronicle will say about it if any publicity breaks on it." My reply was, "Waide, when this country went into the war you went into the service and went to France. Jesse Jones, who owns the Chronicle, quit his busy life and went to serve his country at a dollar a year. The Kaiser was no greater menace to democratic institutions than the grafter in public office, and you owe it as much a duty to report what is reliable and dependable information of that kind as you felt you did to your country when you went in the service; and," I said, "that will be Mr. Jones' attitude about it." He then told me who the men were and more of the details; however, not fully and completely. I heard nothing further of it until Tuesday night, when Mr. Waide came to the Driskill and told me that the Speaker wished to see me. I accompanied Mr. Waide to the Austin Hotel and went to the Speaker's room, or the room he was occupying, found Mr. Chamberlin there, and we sat down. The conversation as detailed by the Speaker is substantially what occurred, and probably other matters. The Speaker asked me how I would proceed to catch a man who was seeking to accept a bribe. I told him that I would take the money, make a record of the serial numbers and perhaps also the character of bills, whether Federal Reserve, bank notes or treasury notes, and would deposit that list with responsible persons, and would make the engagement, pass the money and have officers available to take charge of the man. Some suggestion was made about consulting the sheriff or district attorney, and I said I would not, I would see the Governor of Texas and arrange to let Captain Frank Hamer and Captain Tom Hickman be on the job, because they know the game. The next thing I heard about the matter was some time around a little after six o'clock on Wednesday evening. I was in my room. General John A. Hulen was there—he spent the day here—and the telephone rang and Captain Hamer was on the 'phone and wanted to know whether he and Captain Hickman could see me right away. I said yes, and in a short time they appeared. I don't know—I didn't know from where he telephoned. They came in, shook hands with Gen-

eral Hulen, and they stated that they had been instructed by the Adjutant General to wait for a gentleman—I don't know whether they called his name at that time or not—and they understood the plan from him that he was to meet two men—one of them had the names on a slip of paper, Dale and Moore—in a room in a hotel, and that this man would pass to them a thousand dollars, and they were then to arrest the men, search them and take the money off. They stated—Hamer doing the talking—that they had some question as to the search and seizure law. I said to them you can search a man whom you arrest; you can search a man if you have probable cause to believe that he has just committed an offense and has the evidence on his person, and that evidence will be admissible. They asked the question whether they could search a room without a search warrant. I told them no. I told them, however, that the Court of Criminal Appeals had recently held that they could search an automobile on probable cause. Some one of them asked the question, said, "Well, just what effect—where do we get ourselves into trouble with reference to the whole matter, and what of this man Chamberlin who gives them the money?" "Well," I said, "doing it under the guidance and with information of the officers, there is no intent there on his part to violate the law, and you are the law agents and are simply bringing to cover a bribe-taker." I think Hickman had asked that question. About that time Chamberlin appeared at the door and said he was already late, that he had this appointment and that he was now late at it and wanted them to hurry up. I looked at my watch and it was six twenty-five, and then they left my room. I heard nothing further of it until after the general public heard of the arrest. I had nothing further to do with the matter in any sense; I do not know—never heard where Chamberlin got the money or how he got it, had no connection whatsoever with that. All I did I was in the matter talking to Waide and the Speaker and to those two rangers. I have associated much with rangers—rangers before Hamer came along. I have known Hamer for many, many years. We had a lawless condition in Houston—Senator McGregor will remember the Baldwin Rice administration was instrumental in getting Mayor Rice to bring Hamer, among others, there, making him a special officer to

clean up. I have had occasion frequently to talk with him and he to consult with me about evidence, or what was evidence, in a criminal investigation that he was making.

Mr. Simmons: Any questions, gentlemen?

Cross Examination.

By Mr. John E. Shelton:

Q. General, at which hotel were you stopping?

A. Driskill Hotel, sir.

Mr. Shelton: That is all, sir.

Mr. Simmons: That is all.

(Witness excused.)

Mr. Simmons: Mr. Chairman, that is our testimony at this time, unless something develops in recess that we do not know anything about. Those are all the witnesses we have, unless Mr. Stone has some testimony.

Mr. Stone: Mr. Chairman, I would like to make this statement: The attorneys for Mr. Moore and Mr. Dale at the time that Mr. Bartholomew was testifying yesterday requested him to prepare a statement, showing who deposited the money to the credit of the association that Mr. Chamberlin represents, the amount and so forth, and the deposit slips, if possible. I would like to inquire if you have that.

Mr. Shelton: Mr. Stone, you know we met here at nine, and the bank did not open until nine, and I have not had an opportunity to see Mr. Bartholomew at all.

Mr. Stone: For the information of the committee and the members of the House, in the event that Mr. Dale or Mr. Moore's counsel do not see fit to introduce that record of the bank, why, then we would like to introduce it.

Senator McGregor: Mr. Stone, we authorize you to get it from Mr. Bartholomew.

Mr. Stone: I understand he is on the way up here now.

Senator McGregor: That is all right.

Mr. Shelton: Then we might wait until Mr. Bartholomew comes here.

Mr. Stone: We have no objection.

The Chairman: Have you any further witnesses, gentlemen?

Mr. Shelton: I don't think so, I think we are through.

Mr. Simmons: That is our testimony.

(The committee here recessed for a short period.)

(Recess.)

Mr. Shelton: Judge, here is the statement that Mr. Bartholomew sent up here. He sealed it up in this envelope, and we haven't seen it.

The Chairman: Just put it in the record.

The bank statement and deposit slips submitted by the witness C. M. Bartholomew are as follows:

Name: Texas Optometric Assn.

Address: J. Thomas Ward.

In Account With

The Austin National Bank,
Austin, Texas.

Date	Checks in Detail	Date	De- posits	Date	New Balance
1927		1927		1927	
Jan. 6	\$ 3.00	Jan. 6	.....	Jan. 6	\$ 202.25
Jan. 7	2.00	Jan. 7	.....	Jan. 7	200.25
Jan. 8	.....	Jan. 8	\$ 10.00	Jan. 8	210.25
Jan. 19	25.00	Jan. 13	10.00	Jan. 13	220.25
.....	10.00	Jan. 19	.....	Jan. 19	185.25
Jan. 19	.....	Jan. 22	470.00	Jan. 22	655.25
Jan. 27	.....	Jan. 27	280.00	Jan. 27	935.25
.....	.....	Jan. 28	150.00	Jan. 28	1,085.25
.....	.....	Jan. 29	45.00	Jan. 29	1,130.25
Jan. 31	30.00	Jan. 31	.....	Jan. 31	1,100.25
Feb. 2	1,000.00	Feb. 2	.....	Feb. 2	100.25

Feb. 5, 1927.

A true copy of above account and deposit slips.

C. M. BARTHOLOMEW,
Cashier.

Deposited With
THE AUSTIN NATIONAL BANK,
Austin, Texas,

For Acc't of
TEXAS OPTOMETRIC ASSN.,
J. Thomas Ward.

Austin, Texas, 1-8, 1927.

Please list each item separately

Currency

Silver

Gold

Checks as follows:

\$ 10

Total \$ 10

Deposited With
THE AUSTIN NATIONAL BANK,
Austin, Texas,

For Acc't of
TEXAS OPTOMETRIC ASSN.,
J. Thomas Ward.

Austin, Texas, 1-13, 1927.

Please list each item separately
Currency

Silver
Gold

Checks as follows:

\$ 10

Total \$ 10

Deposited With

THE AUSTIN NATIONAL BANK,
Austin, Texas,

For Acc't of

TEXAS OPTOMETRIC ASSN.,
J. Thomas Ward.

Austin, Texas, 1-22, 1927.

Please list each item separately

Currency

Silver

Gold

Checks as follows:

43 at \$10 \$430

2 at 20 40

Total \$470

Deposited With

THE AUSTIN NATIONAL BANK,
Austin, Texas,

For Acc't of

TEXAS OPTOMETRIC ASSN.,
J. Thomas Ward.

Austin, Texas, 1-27, 1927.

Please list each item separately

Currency

Silver

Gold

Checks as follows:

\$ 5

10

10

10

10

10

15

15

15

15

15

25

25

5

5

10

10

10

15

15

15

15

Total \$280

Deposited With

THE AUSTIN NATIONAL BANK,
Austin, Texas,

For Acc't of

TEXAS OPTOMETRIC ASSN.,
J. Thomas Ward.

Austin, Texas, 1-28, 1927.

Please list each item separately

Currency

Silver

Gold

Checks as follows:

5 at \$10 \$ 50

2 at 25 50

3 at 15 45

1 at 5 5

Total \$150

Deposited With

THE AUSTIN NATIONAL BANK,
Austin, Texas.

For Acc't of

TEXAS OPTOMETRIC ASSN.,
J. Thomas Ward.

Austin, Texas, 1-29, 1927.

Please list each item separately

Currency

Silver

Gold

Checks as follows:

\$ 10

10

10

15

Total \$ 45

The Chairman: I want to make a statement here so it will be generally heard. Neither side cares to argue the matter, and the committee has not considered this case at all. The stenographers say that by nine o'clock Monday morning they expect to furnish us with the testimony, and we will meet in executive session for the purpose of discussing our report. I want to state now, so everybody will know it, that no man has expressed an opinion as to what the report should be; no one in the committee has expressed an opinion as to what it should be, and they are not going to talk to anybody else about it. We will get this testimony transcribed, and then, on Monday morning, after we have got it, we will take that testimony and go into executive session and consider it and make our report to the House of Representatives. Until that time the committee stands adjourned.

Mr. Loftin moved that the transcript of the testimony be printed in the Journal.